

***United States Court of Appeals
for the Second Circuit***



**APPELLEE'S
APPENDIX**

74-2087

ORIGINAL

IN THE
United States Court of Appeals
For the Second Circuit

WILLIAM J. HEAD,
Appellant,
vs.

BROTHERHOOD OF RAILWAY, AIRLINE AND
STEAMSHIP CLERKS, FREIGHT HANDLERS,
EXPRESS AND STATION EMPLOYEES (BRAC)
R. J. DEVLIN, Vice-President Express Division BRAC
C. L. DENNIS, Internal President BRAC
G. E. STEPHENSON, Secretary-Treasurer Express
Division BRAC,
Appellees.

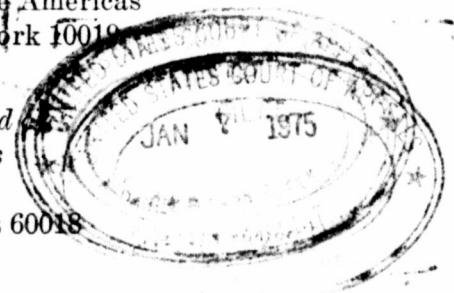
**Appeal from the United States District Court for the
Western District of New York State**

APPELLEES' APPENDIX

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

WILLIAM J. HEAD

Plaintiff

vs.

BROTHERHOOD OF RAILWAY, AIRLINE AND
STEAMSHIP CLERKS, FREIGHT HANDLERS,
EXPRESS AND STATION EMPLOYEES (BRAC)

CIVIL ACTION

R. J. DEVLIN, Vice-President
Express Division, BRAC

NO. 1974-307

C. L. DENNIS, International President
BRAC

G. E. STEPHENSON, Secretary-Treasurer
Express Division BRAC

Defendants

MOTION TO DISMISS OR IN THE
ALTERNATIVE FOR SUMMARY
JUDGMENT

The defendants move the Court to dismiss the complaint herein, or in the alternative for summary judgment:

1. Upon the ground that the complaint herein was filed by the plaintiff without having first obtained leave of this Court to commence this action as required by the Labor-Management Reporting and Disclosure Act, as amended, 29 USC 501 (b).
2. Upon the ground that the complaint fails to state a claim upon which relief can be granted.
3. Upon the ground that this Court lacks jurisdiction

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over the subject matter.

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

WILLIAM J. HEAD

Plaintiff

-vs-

BROTHERHOOD OF RAILWAY, AIRLINE AND
STEAMSHIP CLERKS, FREIGHT HANDLERS,
EXPRESS AND STATION EMPLOYEES (BRAC)

CIVIL ACTION

NO. 1974-307

R. J. DEVLIN, Vice-President
Express Division, BRAC

C. L. DENNIS, International President
BRAC

G. E. STEPHENSON, Secretary-Treasurer
Express Division BRAC

Defendants

AFFIDAVIT IN SUPPORT OF MOTION TO
DISMISS, OR IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT.

STATE OF NEW YORK }
COUNTY OF ERIE }
CITY OF BUFFALO } SS:

ROBERT J. DEVLIN, being duly sworn, deposes and says:

That I am a duly elected International Vice-President
of the Brotherhood of Railway, Airline and Steamship Clerks,
Freight Handlers, Express and Station Employees, AFL-CIO (herein-
after referred to as BRAC), in charge of matters concerning
members of the Express Division of BRAC. The Express Division
is made up of all members of BRAC who are employees of REA Express,
Inc.

I submit this affidavit in support of a motion to dismiss
the complaint herein, or in the alternative, for summary judgment.

That at the Quadrennial Convention of BRAC held in 1971,
a resolution was duly adopted, known and hereinafter referred to
as Resolution No. 201, which resolution authorized and provided
for the restructuring of subordinate units of BRAC. Said Resolu-

tion No. 201 established a Committee on Structure which was authorized to receive proposals of organizational structural changes from subordinate units of BRAC and if such proposals were to be approved by the Committee on Structure and then approved by the Executive Council of BRAC, those approved structural organizational changes could be implemented on an experimental basis with the understanding that any such approved experimental change in the structure would not be permanent unless and until approved by the BRAC Quadrennial Convention to be held in 1975.

That under the authority of the Protective Laws of BRAC, Article 5 thereof, there has been established an Association of Express General Chairmen. This Association of Express General Chairmen is a subordinate unit of BRAC.

That Resolution No. 201 above referred to, in part reads as follows:

"Subordinate units shall also have the right to proposed structural changes which, if approved by the Committee and the Executive Council, may be implemented on an experimental basis."

The Committee referred to in the above quote is the Committee on Structure which was authorized and established by Resolution No. 201.

The National Association of Express General Chairmen after considerable study and analysis of the existing structure of the Express Division of BRAC, proposed to the Committee on Structure a proposal for the reorganization of the Express Division of BRAC. A copy of this proposal submitted by the National Association of Express General Chairmen is attached hereto, made a part hereof and marked as Exhibit A.

The proposed reorganization of the Express Division contained in Exhibit A was presented to a meeting of a Subcommittee on Structure of the Association of Express General Chairmen at its meeting on May 1, 1974, and at that meeting the proposed reorganization was accepted. Attached hereto is a copy of the minutes of said meeting, marked as Exhibit B.

At a meeting of the Association of Express General Chairmen held on May 29, 1974, the proposed plan of restructuring of the Express Division was approved by a vote of 11 to 3. The motion approving the proposed plan authorized the submission of the said proposal to the Committee on Structure for approval as provided for in the above referred to Resolution No. 201. A copy of the minutes of the meeting of May 29, 1974 is attached hereto and marked as Exhibit C.

At a meeting of the Committee on Structure held on June 5, 1974 the said proposal for restructuring was approved by a vote of 12 to 3. A copy of the minutes of the June 5, 1974 meeting of the Structure Committee is attached hereto and marked as Exhibit D.

The proposed plan of restructure was thereupon presented to the Executive Council of BRAC in accordance with the requirements of Resolution No. 201, and the Executive Council by a majority vote approved said plan. A letter signed by D. J. Sullivan, International Secretary-Treasurer of BRAC, advising International Vice President Devlin of the approval by the Executive Council of the plan is attached hereto and marked as Exhibit E.

All of the requirements of Resolution 201 having been thereby duly attended to, International President C. L. Dennis sent a letter to all local lodge officers of the Express Division advising them of the adoption of the proposed reorganization plan on an experimental basis. A copy of said letter is attached hereto and marked as Exhibit F.

Thereafter a notice signed by International Vice President

Devlin and International President Dennis was sent to all members of BRAC in the Express Division, that is to say, all members of BRAC who would be concerned with this restructuring. A copy of that announcement is attached hereto and marked as Exhibit G.

That the proposed and now duly approved plan of reorganization of the Express Division can only be of great benefit to the members of BRAC in the Express Division. The structure which was in existence prior to this reorganization was formulated many years ago and was based upon the type of union structure which was appropriate to railroad workers. The Express Division deals with motor vehicle transportation basically. In 1971 there were approximately 30,000 members of BRAC in the Express Division and at the present time that number has been reduced to approximately 23,000 members. Of these 23,000 members approximately 12,000 are full time employees who are in need of the service and protection rendered by the BRAC organization. To handle the needs of some 12,000 active members there were prior to the adoption of the proposed restructuring 120 local lodges. These lodges range in membership from a high of 1,426 members to a low of 27 members.

Of the 120 local lodges there were some 70 which had less than 150 members.

Under the structure which existed prior to the restructuring each of the 120 lodges had several elected positions and because of the decline in membership the overall organizational table was top heavy with "chiefs" in ratio to "Indians".

Because of the financial realities brought about by the tremendous decline in membership over the last few years a number of the District Boards experienced great financial difficulty even in holding District Board meetings, as they were required to do. Several of the General Chairmen had to change from giving full time to their position to giving only part time

because their finances would not permit it to be otherwise. There were fifteen General Chairmen and of that number ten were required because of financial problems to operate without full time secretarial assistance and many of the General Chairmen were unable to maintain office facilities. Under these conditions it was obvious not only to the Association of Express General Chairmen but also to, I am sure, a great majority of our members that the services needed by the members in connection with the handling of grievances and related matters were not being accomplished satisfactorily. Under the new plan of organization the handling of members' grievances will be accomplished in a much more expeditious way and the benefit to the members will be great.

The new proposed structure will be in operation at least until the 1975 Brotherhood Convention, at which time the membership of the union as a whole through their convention delegates will be able to assess the merits and benefits of the new structure and then decide whether it should be put into permanent effect or whether the old structure should be reinstated. It is my personal and firm belief that given several months to prove itself, the members of BRAC in the Express Division will be very well satisfied with the performance of the new structure.

All concerned realize and acknowledge that this new structure is an exceptional one. In view of this fact each of the 120 local lodges during the testing period until the next International Convention will in effect maintain a legal existence but they will be relieved of the obligations and burdens placed upon them by the old structure.

Careful plans have been made between members of the Express Division and members of the International Headquarters of BRAC to maintain accurate and complete financial records of the Express Division. This will include accurate records of the

funds of the 120 local lodges which will be transferred to the one single financial officer of the Express Division so that in the unexpected event that the new plan is not approved at the 1975 Convention, each of the lodges will have returned to it its proper and appropriate share of the funds then in the care of the Treasurer of the newly organized Express Division.

This plan does not affect a confiscation of local union funds but rather it provides for a consolidation of those funds which, of course, will be used only in the carrying out of the obligations of BRAC to its members in the Express Division.

I am advised that the litigation commenced by General Chairman Head in the United States District Court in Buffalo is based upon Section 501(a) of the Landrum-Griffin Act which imposes a fiduciary responsibility on officers of labor organizations. I am advised by my attorneys that the actions taken by the National Association of General Chairmen, the Committee on Structure and the Executive Council of the Brotherhood are actions which can in no way be interpreted as improper actions from a fiduciary point of view. In fact, it is with the fiduciary obligations of the organization and its subordinate units in mind that this plan was adopted by the various units in the Brotherhood so as to properly and to the best of its ability protect the interests of the members.


Article 16 of the Constitution of the Grand Lodge of BRAC, Section 2(b), reads as follows:

"The Executive Council shall have jurisdiction over the affairs of the Brotherhood as provided in these laws; and, their decision shall stand until reversed by the Grand Lodge Convention or referendum hereinafter provided."

I suggest that the action of General Chairman Head ignores the authority of the Executive Council, ignores the meaning and intent of Resolution No. 201, and is not in the best interests of the members of the Brotherhood in the Express Division.

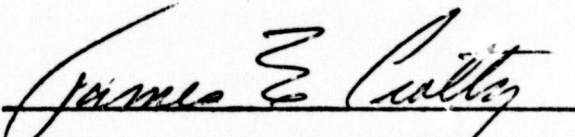
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Also attached hereto is a copy of Resolution No. 201
above referred to, and marked as Exhibit H.



Robert J. Devlin

Subscribed and sworn to before
me this 8th day of July, 1974.



NOTARY PUBLIC, STATE OF N.Y.

Qualified in Erie County

My Commission Expires 3/30/ 75

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Exhibit A Annexed to Affidavit of Robert J. Devlin

I. Historical Development of the Problem

As a result of a decline in business, there has been a consistent erosion of our membership base in the Express Division. All officers in all levels of the Division have made valiant and successful efforts to keep the Division operating on an effective basis in spite of this decline in membership. However, almost all have also come to realize that this is an increasingly difficult, if not impossible, task.

A. District Board Level

We presently have 15 U.S. District Boards.. In 1970, we had 16. In 1973, we merged District Board 502 (Texas & Louisiana) with District Board 515 (Southwestern).

Presently, we have 23,000 members as compared to 30,000 on January 1, 1971. Depending on the time of year, approximately 60 to 65% of these are full dues paying members. Divided by 15 District Boards, this means an average of 1,533 members per Board. Actually, of course, the real situation is not reflected in the average, since the range in size of Boards is from a high of 3,121 (DBA 504, Simonis) to a low of 321 (DBA 503, Wilkinson). Further 5 of the 15 Boards are below 1,200 members.

The members as of April 1, 1974 break down as follows on a high to low basis.

H.P.S.	504	3,121
W.A.J.	510	2,939
S.E.M.	513	2,350
E.H.	511	2,300
J.J.W.	515	2,080
G.E.S.	501	1,935
C.T.R.	506	1,503
T.F.T.	512	1,359
G.E.L.	514	1,228
W.J.H.	507	1,220

F.V. McC	508	790
W.E.	505	728
M.C.M.	516	448
G.K.	509	439
W.W.W.	503	321
		<u>22,761</u>

Thus, we have a union structure which was historically developed to service the needs of 40,000 to 50,000 members, and we are trying to stretch its resources to service a base of only 23,000. This, obviously, is impossible in the long range.

Beyond the simple numbers involved, we are also faced with other serious considerations which stem directly from this decline in membership:

1. A number of District Boards have experienced great financial difficulty in holding District Board Meetings;
2. Several General Chairmen have had to move from a full-time to a part-time status;
3. The salaries of Express General Chairmen and other Board officers have, generally speaking, fallen considerably below those of other Board level officers of the union;
4. The ability of Board officers to travel over their jurisdiction is becoming increasingly limited;
5. Ten of our 15 General Chairmen must operate without full-time secretarial assistance;
6. Many of our General Chairmen are unable to maintain professional office facilities;
7. We presently have 13 full-time officers on a District Board level. However, in many instances where we have more than one full-time officer in a given District Board they are, at best, financially precarious.

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Given these facts, it is clear that our ability to provide full-time District Board level representation has been strained beyond its reasonable limit. Yet, the needs of our members clearly call for full-time officers.

B. Local Lodge Level

We presently have 120 local lodges which are under the jurisdiction of Express District Boards. They range in size from 27 members to 1,426 members. On the basis of 23,000 members this would be an average of 192 members per local lodge. The high to low count of Express Local Lodges is as follows:

<u>LODGE NO.</u>	<u>LOCATION</u>	<u>MEMBERS</u>	<u>D.B.A.</u>	<u>L/C</u>	<u>ELEC. YEAR</u>
2219	Chicago Terminal	1426	504	Huck	1974
2147	New York Terminal	1282	513	McCarthy	1974
✓ 2004	Los Angeles, California	715	514	Diamond	1974
2040	Atlanta, Georgia	693	510	Ingram	1976
2035	New York Vehicle	681	513	Carlo	1974
2087	Chicago Office	634	504	Mahieu	1974
2075	Detroit, Michigan	606	511 (147)	Booker	1974
2151	Philadelphia, Pennsylvania	604	501	Smith	1976
2350	Chicago Vehicle	581	504	Lima	1975
2028	Boston, Massachusetts	551	512	Balbano	1974
2029	St. Louis, Missouri	529	515	Bernatowski	1974
2008	Dallas, Texas	495	515 (147)	Moore	1975
2037	Washington, D.C.	464	506	Mangold	1975
2024	Kansas City, Missouri	443	505	King	1975
✓ 2158	Pittsburgh, Pennsylvania	405	501 (147)	Cianca	1974
✓ 2144	Buffalo, New York	396	507 (147)	Waters	1974
2043	Milwaukee, Wisconsin	378	504 (147)	Selissen	1975
2045	Cincinnati, Ohio	357	511	Johnson	1974

<u>LODGE NO.</u>	<u>LOCATION</u>	<u>R</u> <u>14</u> <u>MEMBERS</u>	<u>D.B.A.</u>	<u>L/C</u>	<u>ELEC</u> <u>YEAR</u>
2068	St. Paul, Minnesota	338	509 (147)	Felien	1974
2058	Miami, Florida	291	510 (147)	Moore	1975
2184	San Francisco, California	281	508	Roe	1975
2100	Cleveland, Ohio	268	511 (147)	Stanton	1974
2070	Newark, New Jersey	265	501	Fernicola	1974
2165	Chattanooga, Tennessee	241	510	Mays	1975
2279	Jacksonville, Florida	229	510	Davis	
2048	New Orleans, Louisiana	227	515	Hanafy	1974
2009	Denver, Colorado	223	514	Barrett	1974
2052	Memphis, Tennessee	221	515	McKinnie	1974
2173	Waterloo, Iowa	215	503	Armstrong	1975
2114	Los Angeles, California	213	514	Lansing	1975
2051	Columbus, Ohio	211	511	Yoakum	1974
2005	Baltimore, Maryland	211	501	McDonnell	1974
2130	New York, New York	209	513	Bannon	1974
2071	Nashville, Tennessee	204	510	Pilkinton	1975
2017	St. Louis, Missouri	196	515	Patterson	1975
2226	Albany, New York	193	507	Wilbur	
2049	Indianapolis, Indiana	184	511	ay	1974
2099	Greensboro, North Carolina	181	506	Daughtry	1976
2081	Roanoke, Virginia	180	506	Morris	1974
2216	Seattle, Washington	178	516	Bartkowski	1974
2146	Jacksonville, Florida	178	510	Mearns	1975
2166	Hartford, Connecticut	174	512	DiNocenza	1976
2076	Montgomery, Alabama	170	510	Stinchcomb	1975
2110	Oakland, California	169	508	Unruh	1976
2102	San Antonio, Texas	168	515 (147)	Chaubers	1974

<u>LODGE NO.</u>	<u>LOCALITY</u>	<u>MEMBERS</u>	<u>D.B.A</u>	<u>L/C</u>	<u>ELC. YEAR</u>
2162	New Haven, Connecticut	167	512	Gilhuly	1975
2188	Jamaica, New York	159	513	Cole	1974
2132	Harrisburg, Pennsylvania	157	501	Woods	1974
2210	Portland, Oregon	156	516	Myrick	1974
2018	Salt Lake City, Utah	153	508	Nicholl	1975
2060	Houston, Texas	152	515 (147)	Denson	1975
2074	Charlotte, North Carolina	147	506	Scott	
2042	Birmingham, Alabama	145	510	Heatherly	1974
2041	Louisville, Kentucky	143	510	Pryor	1975
2136	Providence, Rhode Island	131	512	Bachand	
2163	Richmond, Virginia	123	506	Dix	1975
2172	Wichita, Kansas	121	505	Schroeder	1974
2176	San Francisco, California	118	508	Uribe	1975
✓ 2150	Newark, New Jersey	117	507	Markowski	
2010	Oklahoma City, Oklahoma	117	505	Kale	1976
2103	Spokane, Washington	114	516	Johnson	1975
2245	Concord, New Hampshire	112	512	Fournier	
2046	Little Rock, Arkansas	110	515	Wright	1974
2067	Toledo, Ohio	108	511	Osten	1974
2101	Peoria, Illinois	102	504	Brown	1974
2085	Aberdeen, South Dakota	101	509	Hathaway	1976
2080	Columbia, South Carolina	99	506	Cunningham, Jr.	1976
2113	Shreveport, Louisiana	92	515	Scott	
2181	Rochester, New York	89	507	Donahue	1974
2148	Washington, D.C.	88	501	Clark	1974
2179	Saginaw, Michigan	88	511	Fales	
2243	Portland, Maine	85	512	Heskett	

<u>LODGE NO.</u>	<u>LOCATION</u>	<u>MEMBERS</u>	<u>D.B.A.</u>	<u>L/C</u>	<u>ELEC YEAR</u>
2214	Orlando, Florida	84	510 (147)	Elliott	1975
2095	Florence, South Carolina	82	506	Lee	
2186	Yonkers, New York	81	507	McClory	1974
2212	Macon, Georgia	78	510	Freeman	1974
2016	Omaha, Nebraska	77	503	Munch	1976
2119	Boston, Massachusetts	77	512	Minigan	
2156	Phoenix, Arizona	77	514	Newton	1976
2269	Norfolk, Virginia	76	506	Walker	1974
2205	Dayton, Ohio	76	511	Manning	1975
2088	Jackson, Mississippi	75	510	Ponder	1974
2079	Asheville, North Carolina	75	506	Caldwell, Jr.	
2217	Binghamton, New York	75	507		1974
2149	Raleigh, North Carolina	74	506	Carter, Jr.	1974
2143	Knoxville, Tennessee	72	510	Mikels	1975
2194	Akron, Ohio	71	511	Shelkofsky	1974
2038	Chattanooga, Tennessee	71	510	Tate	1975
2127	Grand Rapids, Michigan	68	511	Denton	1976
2262	Parkersburg, West Virginia	65	501	Lamp	1976
2191	St. Petersburg, Florida	64	510	Cole, Jr.	1976
✓ 2178	Utica, New York	63	507	Verkler, Jr.	1975
2221	Charleston, West Virginia	63	506	Sweeney	1975
2027	Greenville, South Carolina	62	506	Gaines	1975
2108	Worcester, Massachusetts	62	512 (147)	Rourke	1974
2161	Tampa, Florida	60	510	Cawthon	1975
2069	Trenton, New Jersey	58	501	Szeker	1975
2128	South Bend, Indiana	56	511	Brugh	1974
2190	Syracuse, New York	55	507	Stroud	1975

<u>LODGE NO.</u>	<u>LOCATION</u>	<u>MEMBERS</u>	<u>D.B.A.</u>	<u>L/C</u>	<u>ELEC YEAR</u>
2098	Lexington, Kentucky	54	510	Eldridge	1975
2259	Reading, Pennsylvania	53	501	Kosmerl	1974
2019	Fort Wayne, Indiana	47	511	Williams	1976
2207	Tulsa, Oklahoma	47	505	Cockrell	1976
2209	Allentown, Pennsylvania	47	507	Schlosser	1976
2056	Evansville, Indiana	46	511	Owens	1976
2211	Youngstown, Ohio	42	511	Jenyk	1975
2115	Springfield, Illinois	40	511	Long	1976
2007	Sacramento, California	40	508	Butcher	1974
2023	Scranton, Pennsylvania	38	507	Monahan	1974
2177	Erie, Pennsylvania	37	507	Cenfetelli	1975
2123	Kalamazoo, Michigan	36	511	Gould	1975
2276	Salamanca, New York	35	507	Warner	1975
2197	Wilkes Barre, Pennsylvania	30	507	Rowlands	
2159	Cumberland, Maryland	29	501	Ferro	
2198	Fresno, California	29	508	Hicks	1974
2073	Cedar Rapids, Iowa	29	503	Walton	1976
2268	Savannah, Georgia	29	510	Kessler	1976
2193	Columbus, Georgia	29	510	Rowland	1975
2111	Augusta, Georgia	29	510	Crawford	1975
2182	Kingston, New York	27	507	Jones	1976

19 lodges are below fifty members; 54 are below 100 members; 70 are below 150 members.

To the best of our information, there are six full-time local lodge officers in the Division, and one full-time combination local lodge and District Board officer. Our local lodges generally are unable to function as effectively as our local lodge officers and members would desire. The major cause of this

is, of course, money. And the major cause for the lack of money is the decrease in membership. Given this situation, we see many negative features increasingly apparent.

1. Many local lodges either have difficulty or cannot fill the officer positions;
2. The resources of many local lodges are split up among many officers, providing very little remuneration for any one officer;
3. Many local lodges cannot afford to even have the Local Chairman check-off from work in order to handle grievances or discipline cases;
4. Attendance at local lodge meetings is at an historic low.

Under our present structure, we require monthly meetings of our lodges and we require a full complement of officers to carry out the business of the lodge. When you look at this structure in the cold reality of today's membership levels, it is clear that it is a luxury our members cannot afford, and a luxury which does not really produce direct benefits for the member. Thus, each lodge has a President, Financial Secretary-Treasurer, Legislative Representative, three man Board of Trustees, and a Protective Committee composed of a Chairman and at least two members. That is the constitutional minimum under our present structure. The members interest in his union is in grievance handling and contract negotiations. Realistically, then, any local lodge function which is not directly related to these areas exists for the benefit of the union structure rather than for the benefit of the members primary interest. Such functions are self-serving rather than membership serving. In plain and simple English, that means that a majority of our local lodge officers under our present structure are filling offices which serve the administrative needs of the union as an institution, rather than the needs of the member in handling grievances and contracts. Of course, such administrative needs must be met in all organizations. Our problem is that we are meeting them with a structure which is totally

unrealistic, and we are dissipating our resources to the Int where we are no longer able to meet the direct membership needs without tremendous human sacrifice.

C. International Vice President - Express.

Under our present Express structure the role of the International Vice President, Express, is not clearly integrated into an Express Division structure. Thus, while he is the Chief Negotiator for the Division, his authority in the area of District Negotiations is not spelled out and has varied significantly over the years. His office structure is not adequate for the work involved. His role in grievance handling is more in the nature of review. He is expected to function as the major executive officer in the Division, yet, such responsibilities are generally implied rather than specific. Given a structure of 15 District Boards and 120 local lodges, he is simply physically unable to "cover the territory." This is inevitably interpreted by disgruntled members as a lack of responsiveness, when, in fact, it is actually the function of a system which was developed for the railroad industry imposed on the Express industry, and then stretched beyond any possible working arrangement. The need for a close relationship between the office of International Vice President-Express, and the day to day functioning of the Division as a whole in terms of representation, grievance handling, and negotiations is clear and obvious and must be properly taken care of.

D. Conclusion - Part I.

We could go on with this list of problems, but the picture is clear. As a result of management policies which brought a severe decline in business, and a subsequent massive decline in membership, we now have an Express Division structure stretched beyond its available resources, with underpaid officers, with financial strains impairing the ability of these officers to service our membership. There are no easy solutions to these problems, but it is apparent that we must take steps to change the situation.

While the Express situation is significantly different from that which exists in the railroad industry, there are some common patterns. There, too, we have suffered from a major decrease in membership. There, too, we have suffered from Carrier reorganizations and mergers. We have responded to this by carrying out a program of major reorganization and system board mergers.

In 1971 we had,

72 Railroad System Boards in the United States, and

73 Railroad System Divisions in the United States (Telegraphers)

for a total of 145 system level subordinate units.

As of March, 1974, we have,

38 Railroad System Boards in the United States, and

2 Railroad System Divisions

for a total of 40 system level subordinate units.

Thus, while it is generally assumed that the major reduction in System level subordinate units came in the elimination of TC System Divisions, the statistics clearly show that the reorganization of Railroad Clerical System Boards was just as significant.

This reorganization has almost totally followed a pattern of carrier ownership. The Grand Lodge has followed a policy of putting commonly owned properties under one Board. This is producing large, financially stable system boards with a high level of full-time representation. In spite of all these changes and consolidations, the actual number of full-time System Board officers and staff has increased - rather than decreased. This increase is being financed by the savings due to restructure.

The situation in the Express, of course, is not quite that simple. We already have one property. We already have one contract. Thus, if we were to follow the merger approach of the railroads, we would end up with perhaps 1, 2, or 3 District Boards.

If we used a base of 2,000 members as sufficient to support one full-time person, we could have 12 boards. But for how long: And what kind of service could they provide with one man? If we used a base of 3,000, we could have 6 or 7 boards. But, again, would we be significantly improving service to our members, or merely establishing a "holding pattern"?

Thus, the railroad merger pattern is unsuitable for the Express Division. We must develop our own structure which meets our needs as Expressmen.

The goals are clear:

1. Improve service to our members;
2. Solidify our strength;
3. Maintain the elective process;
4. Maintain some type of regional representation;
5. Increase clerical support help;
6. Consolidate our strengths;
7. Solidify full-time representation;
8. Protect existing officers equities;
9. Eliminate jurisdictional problems.

The following proposal is designed to accomplish these objectives. It is a structure which would be unique to the Express Division. It is a structure which is designed specifically for the Express Division, unlike the railroad structure or pattern. It is a structure which draws on our experiences, and also on the experiences of other unions. It makes use of the new flexibility we have been afforded by Convention action through the Structure Committee, and adapts what we feel are best features of the variety of BRAC structures available to us -- System Board; System Division; Terminal Board; Local Lodge; Local Districts; and so on -- and focuses them on meeting the needs of our Express members.

We believe this structure will more effectively utilize our resources, improve our ability to service our membership, and maintain our integrity as a Division of BRAC, separate and different from its many other groups.

BRAC actually has a wide variety of structures. Essentially, they fall into the following categories:

A. District Boards/Local Lodges. This is the familiar Express structure, where one contract with one employer is administered by 15 regional District Boards, each with local lodges under their jurisdiction.

B. System Board/Local Lodges. This used to be the most common railroad structure. The union structure is usually organized around one company, with local lodges under the jurisdiction of the System Board.

C. Multi-employer System Board/Local Lodges. This is now the most common structure in the union. Here, members working for a variety of employers ^{are} grouped together in local lodges under the jurisdiction of one system board.

D. Terminal Board/Several Local Lodges. The larger Terminal Railroad Boards have this type of structure. There would usually be 2-3 local lodges, all in one major city or metropolitan area, grouped under one terminal board.

E. Terminal Board/Single Lodge. On smaller Terminal Railroads, we had a structure where there would be one Local Lodge and a Terminal Board. The Local Chairman would also serve as the General Chairman. Separate treasuries were maintained, but the separation of functions between the two units was usually quite fuzzy. These Boards are now almost non-existent.

F. Allied Services/Local Lodges. The Allied Services Division functions as a multi-employer System Board, with lodges having multi-employer membership. Additional lodges are grouped within the Division according to broad areas of interest or common employers -- i.e., Patrolmen's Section; Taxi and Transit Section and so on..

G. Canadian Division. Our Canadian Division has a variety of system level structures (Terminal, System Board) and then also has a national Canadian Structure which operates on top of that level as a intermediate level between the system level structures and the Grand Lodge.

II. Joint Lodges. Complicating all of this is the fact that we have joint lodges, where local membership is frequently drawn from a variety of Boards, Employers, and so on. As lodges shrink in size, many system or district level subordinate units have allowed members to hold membership in a lodge which has its predominate membership under a different Board, different contract, and different employer. In theory, this was to give the member an opportunity to have local representation. In practice, it has frequently resulted in simply a place to pay his dues without having any officer on the local level familiar with his problems.

I. System Divisions. This is the structure which existed in the Transportation Communications Employees Union prior to its merger with BRAC. As a result of that merger, these units became TC System Divisions of BRAC. Since virtually all of these units paralleled Clerical System Boards in the United States, most of them voluntarily merged into the System Boards. However, several remain in the United States, and there are several in Canada which will always remain in effect since they do not parallel System Boards.

As a result of Structure Committee action and approval by the Executive Council the TC Division as such has ceased to exist, subject to final approval by the 1975 Convention. However, in recognition of the value of this type of subordinate unit structure, the Committee and Council actions maintained this structure as a part of BRAC. Thus, instead of being TC System Divisions these units are now BRAC System Divisions, just as there are BRAC System Boards; BRAC District Boards; BRAC Terminal Boards, and so on. The By-Laws of the TC Division are now inoperative except those portions which deal with the government of System Divisions. These now become the equivalent of the Protective Laws of the Brotherhood, which deal with the government of System Boards, District Boards, and Terminal Boards. Several Railroad System Boards are currently considering restructuring themselves into System Divisions in the belief that this will provide a more effective method of representing our members.

The proposal for a new Express Division draws heavily on the System Division concept. Therefore, before we get to the proposal itself, let's look at what a basic System Division structure entails.

First, there are no local lodges. Instead, the property is divided into Districts, which usually have at least 150 members. These become the basic lowest level of representation. The members in each District elect a District Chairman every four years. This is possible under the Landrum-Griffin Act because a District is not a local as defined in the Act. Collectively, the District Chairmen form the System Division. They elect the System Division officers (again, four year terms of office). Since the merger, the members in each District are entitled to elect a Local Legislative Representative. This, however, is based on property and States. Usually, this Legislative Representative is also the District Chairman.

All finances, except the Grand Lodge, are handled by the System Division. Thus, the traditional Local Lodge and System or District Board per capita tax is combined in one place. System Division officers are usually full-time. District Chairmen are usually part-time, and their salaries are set by the System Division or the System Division executive committee.

The System Division sets the jurisdiction for each District. The number and jurisdiction of the Districts is changed from time to time at System Division meetings to reflect the changes in membership size and location. Districts are sometimes geographical, sometimes job or work location related. Thus, there could be a District based on a company's superintendent's territory, and another District Grouping, for example, Towerman. Expenses and salaries of District Chairmen are paid by the System Division.

In the System Division structure, Convention delegates are elected on an at-large basis, one for the first 225 members, and one more for each additional 150 members. Thus, the formula provides the membership with the maximum number of delegates based on the membership count.

Obviously, this structure has many advantages. It centralizes financial resources. It has a built in method of adjusting the units to reflect changes in membership. Local officers are devoted entirely to handling matters of grievances and contracts, rather than administrative duties.

At the same time, standing alone, the System Division structure would not fit the needs of the Express Division. It needs adjustment and modification. That is what our proposal does.

IV. Proposal for an Express Division of BRAC

Essentially, we propose to completely phase out the District Board/Local Lodge Structure and replace it with a new structure which is based on the System Division concept adapted to the needs of the Express. This means that there would be a unified, nation-wide Express structure. It means that the primary emphasis of the structure would be on serving the membership in the areas of representation, grievance handling, and contract enforcement and negotiations, rather than on a large number of administrative offices.

The fundamental principles which we have followed are very simple:

- * Improve representation by concentrating efforts and resources;
- * Establish a flexibility in structure;
- * Make sure that the equity interests of all those members who have served as officers on a local lodge and District Board and Grand Lodge level are properly taken care of.

We propose to implement this restructuring as follows:

1. Merge all existing District Boards of Adjustment into a new Express Division, effective July 1, 1974.

2. The Officers of the Express Division shall be:

2.1 Full-Time

<u>TITLE</u>	<u>SALARY</u>	<u>PAID BY</u>
International Vice President and President, Express Division	\$37,000	Grand Lodge
Secretary-Treasurer, Express Division	30,000	Division
Vice President, Express Division, Eastern States Region	28,000	Division
Vice President, Express Division, Central States Region	28,000	Division
Vice President, Express Division, Southeastern States Region	28,000	Division
Vice President, Express Division, Midwestern States Region	28,000	Division

TITLE

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SALARYPAID BYVice President, Express Division, Southwestern
States Region

\$28,000

Division

Vice President, Express Division, Western
States Region

28,000

Division

The six Regional Vice Presidents and the Secretary-Treasurer shall be elected by the District Chairmen in the Division as a whole. The President of the Division shall be International Vice President-Express, elected by the BRAC Convention. These officers shall form the Executive Committee of the Division and also function as the Division Negotiating Committee. They shall have all powers of office as established in the Protective Laws of BRAC as outlined in Section 2, Article 5.

2.2 Part-Time Officers

2.21 Division Board of Trustees. There shall be a Division Board of Trustees, composed of a Chairman and two members, elected by the members of the Division.

2.22 Division Appeals Committee. There shall be a Division Appeals Committee composed of a Chairman and two members, elected by the members of the Division.

3. There shall be the following appointive positions:

One (1) Assistant to the President, Express Division, to be appointed by the Division President, at a salary of \$23,500 per year and a Secretary to the Division President at a salary of \$14,000 per year subject to the approval of the International President and paid by the Grand Lodge. The present Grand Lodge Organizers coming from the Express, Brothers Cusumano and Leonidas will be assigned to the International Vice President's office and paid by the Grand Lodge.

Area Representatives and clerical help as needed will be appointed and assigned by the Division President subject to the approval of the Executive Committee and paid by the Division.

4.0 LOCAL LEVEL OFFICERS

4.1 DISTRICT CHAIRMEN - Convention Delegate. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the present jurisdiction of local lodges and then establish Districts based on a nation-wide structure. The Executive Committee shall then designate one of the present Local Chairmen/^{or other Local Lodge officer}from a lodge within the new District to serve as District Chairman for the new District, with salary and expenses set initially by the Executive Committee. These District Chairmen shall become the members of the Express Division.

They shall be subject to election by the members in the District in December, 1976, to a four year term of office.

4.2 LEGISLATIVE REPRESENTATIVE. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the jurisdiction of the new Districts and designate one of the present Legislative Representatives/^{or other Local Lodge officer}from lodges within the District to serve as Legislative Representative for each State in which the District has ten or more members. Salary and expenses for such Legislative Representatives not otherwise defrayed shall be borne by the Division. These Legislative Representatives shall be subject to election in December, 1976 to a four year term of office.

4.3 CONVENTION REPRESENTATION - 1975.

4.31 Districts with 150 or more members shall elect a Convention delegate in December, 1974. He shall have a weighted vote in accordance with Grand Lodge formulae.

4.32 Districts with less than 150 members. All be pooled and shall elect the number of delegates-at-large to which this total number of members entitle them under the Grand Lodge formulae, with each delegate so elected having one vote.

4.4 CONVENTION REPRESENTATION AFTER 1975.

4.41 Districts with 150 or more members. The office of District Chairman and Convention Delegate is combined. Thus, in December, 1976, and each four years thereafter, whoever is elected District Chairman-Convention Delegate shall serve as Convention Delegate at the next convention, providing qualifications are met, including having 150 or more members in the September preceding the convention year. The Delegate shall have a weighted vote.

4.42 Districts with less than 150 members. The office of District Chairman-Convention Delegate nominee shall be combined into one office. Thus, in December, 1976, whoever is elected District Chairmen-Convention Delegate nominees from such Districts shall then have their names placed on an at-large ballot and the members in that pool of Districts shall elect at-large delegates from that group. Each delegate shall have one vote. These at-large elections shall be conducted in December of the year preceding the Convention.

5. As soon as possible all District Boards and Local Lodges shall be eliminated, and their assets consolidated into the Express Division treasury. In the interim period, these units shall be prohibited from paying out monies for anything other than usual and ordinary expenses, i.e., salaries existing prior to reorganization, and other expenses as authorized by these units prior to June 1, 1974.

6. After the new Districts are established, all local lodge officers not designated as District Chairmen shall be afforded, at their choice, one of the following two options:

- 6.1 Continuation on the Division payroll at their present local lodge rate of pay for the balance of their local lodge term of office; or
- 6.2 A lump-sum separation allowance of twelve times their present local lodge monthly rate of pay provided their term of office has 12 or more months remaining.

If appointed or elected to any other office in the union during the period involved, or the period of the options, the salary established for the office to which appointed or elected shall be in lieu of the amounts set forth in the above options.

7. Present local lodge officers designated as District Chairmen under the new structure will be guaranteed as a minimum their present local lodge salary on an incumbency basis through their new term of office.

8. The Division shall meet every other year, in odd-numbered years. In years of the Grand Lodge Convention, the Division meeting shall take place in the Convention City in the week immediately following the Convention.

9. The Division President shall conduct Educational Conferences for local officers of the Division in each Region in the even-numbered years.

10. Election of officers shall be conducted at the meetings held during Convention years, for four year terms.

To move from our present Express Structure to the new Express Division Structure will be a difficult and complicated process. There will have to be a number of temporary measures taken which, in effect, constitute an organizing type effort. The basic principles which we must follow in this transition are really very clear and direct:

- * We must thoroughly protect the interests of our members in the transition so that their claims, grievances, and contracts are not impaired;
- * We must select highly capable local level officers (District Chairmen and Legislative Representatives) to serve during the temporary period so that we seek to improve representation;
- * We must make sure that no full time officer is hurt;
- * We must make sure that all local lodge officers are properly rewarded for the many years of service they have given;
- * We must make sure that the Division Officers who operate during the temporary period get out to our members and protect our members to the best of their ability;
- * We must bring about greater communication with our members through more frequent member/officer contact.
- * We must coordinate the efforts of all officers and appointive personnel so that we work in common directions.

We shall take the following steps to carry this out:

1.0 ADOPTION

The National Association of Express General Chairmen shall be convened in session by the International Vice President, Express. Upon approval of a majority of the General Chairmen, and subject to the approval of the International President, this reorganization shall go into effect July 1, 1974. Division By-Laws shall also be tem-

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porarily adopted at said meeting, subject to approval of the International President and further ratification at the next regular Division Meeting.

2.0 BY-LAWS

Temporary Division By-Laws shall be adopted by majority vote of the General Chairmen, subject to the approval of the International President. The President of the Division, in addition to his duties as International Vice President, shall also exercise the duties, powers and obligation established for General Chairmen as outlined in the Protective Laws that are not inconsistent with his duties, powers and obligations under the Division By-Laws.

3.0

Since this proposal does involve suggested Constitutional changes it shall be submitted to the Structure Committee for temporary operating authority and then to the Executive Council.

4.0 FULL-TIME OFFICERS

In order to bring about an orderly and effective transition, the following present officers shall hold the following new positions until the regular election in 1975:

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
International Vice President & President, Express Division	<u>R. J. Devlin</u>	\$37,000
Secretary-Treasurer, Express Div.	<u>G. E. Stephenson</u>	30,000
Vice President-Eastern States	<u>S. E. Milone</u>	28,000
Vice President-Central States	<u>Eddie Harshman</u>	28,000
Vice President-Southeastern States	<u>W. A. Johnson</u>	28,000
Vice President-Midwestern States	<u>H. P. Simonis</u>	28,000
Vice President, Southwestern States	<u>J. J. Witmeyer, Jr.</u>	28,000
Vice President-Western States	<u>F. V. McCormick</u>	28,000

~~The following people shall serve as staff members of the Express Division:~~

5.1 GRAND LODGE STAFF

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
Assistant to the Division President	A. A. Rullo	\$23,500
Secretary to the Division President	M. M. Monaghan	14,000
Grand Lodge Representative	P. Cusumano	19,500
Grand Lodge Representative	G. Leonidas	15,000

5.2 DIVISION STAFF

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
Area Representatives (as needed)		
Area Representative	T. Timmins	\$19,000
Area Representative	C. Rice	19,000
Area Representative	W. Head	19,000
Area Representative	G. Lozar	19,000
Area Representative	G. Kinning	8,000
Area Representative	W. Wilkinson	8,000
Area Representative	W. Eissler	8,000
Area Representative	M. Myrick	8,000
Area Representative	F. J. Hanrahan	18,000
Area Representative	B. J. Smith	18,000
Secretaries and Clerks (as needed)		
Secretary	R. Otskey	(Temporarily-present salary Future-to be established)
Secretary	L. Johnson	" "
Secretary	P. Barnes	" "
Secretary	R. Brogan	" "
Secretary	M. Carew	" "

6.0

All full and part-time District Board Officers who are not designated a position, or who do not choose to accept such position, shall be given a 12 month lump sum separation allowance at their present rate of pay provided their term of office has 12 or more months remaining, or continuation on the Division payroll at their present rate of pay for the balance of their term of office.

7.0 The following officers shall be members of the following Committees until new officers are elected at the 1975 Division Meeting:

7.1 Division Board of Trustees

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
Chairman	B. J. Smith	
Member	W. Eissler	
Member	W. Head	

7.2 Division Appeals Committee

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
Chairman	J. J. Witmeyer	
Member	W. A. Johnson	
Member	F. V. McCormick	

8.0 AREA REPRESENTATIVE POSITIONS.

If an Area Representative position becomes vacant for any reason the Executive Committee shall have the right to fill it, in the manner described, or to eliminate the position.

9.0 ELECTIONS.

9.1 International Vice President-Express (President, Express Division) and Member, Board of Trustees, Express, to be elected at the BRAC Conventions in the usual manner.

9.2 Express Division Secretary-Treasurer, Appeals Committee Board of Trustees, to be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen for a four year term.

9.3 Six Regional Vice Presidents, to be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen, for a four year term.

9.4 District Chairmen. Elected by members in District for a four year term. Next election scheduled for December, 1976. The District Chairman will run as District Chairman/Convention Delegate.

9.5 Legislative Representatives. Elected by members in District. Next election scheduled for December, 1976. In the interim the Executive Committee will designate one of the present Local Lodge Legislative Representatives to serve as the District Legislative Representative(s).

10.0 GRIEVANCE HANDLING AND NEGOTIATIONS.

Claims and grievances in the Express Division shall be filed by the District Local Chairmen or, in some instances, by the District Representative. The first appeal will be handled by the District Representative or, in some instances, by the Regional Vice President. The final appeal will be handled by the Regional Vice President or his designee and then to the International Vice President for submission to arbitration. Negotiations for changes in the agreement, implementing agreements, local agreements, etc., shall be supervised by the International Vice President and the Negotiating Committee, with specific assignments given to the Regional Vice Presidents and District Representatives. All National Agreements shall be subject to ratification by the members.

11.0 FUNDS AND ASSETS.

11.1 District Board funds and assets shall be consolidated into the Express Division within the month of July, 1974.

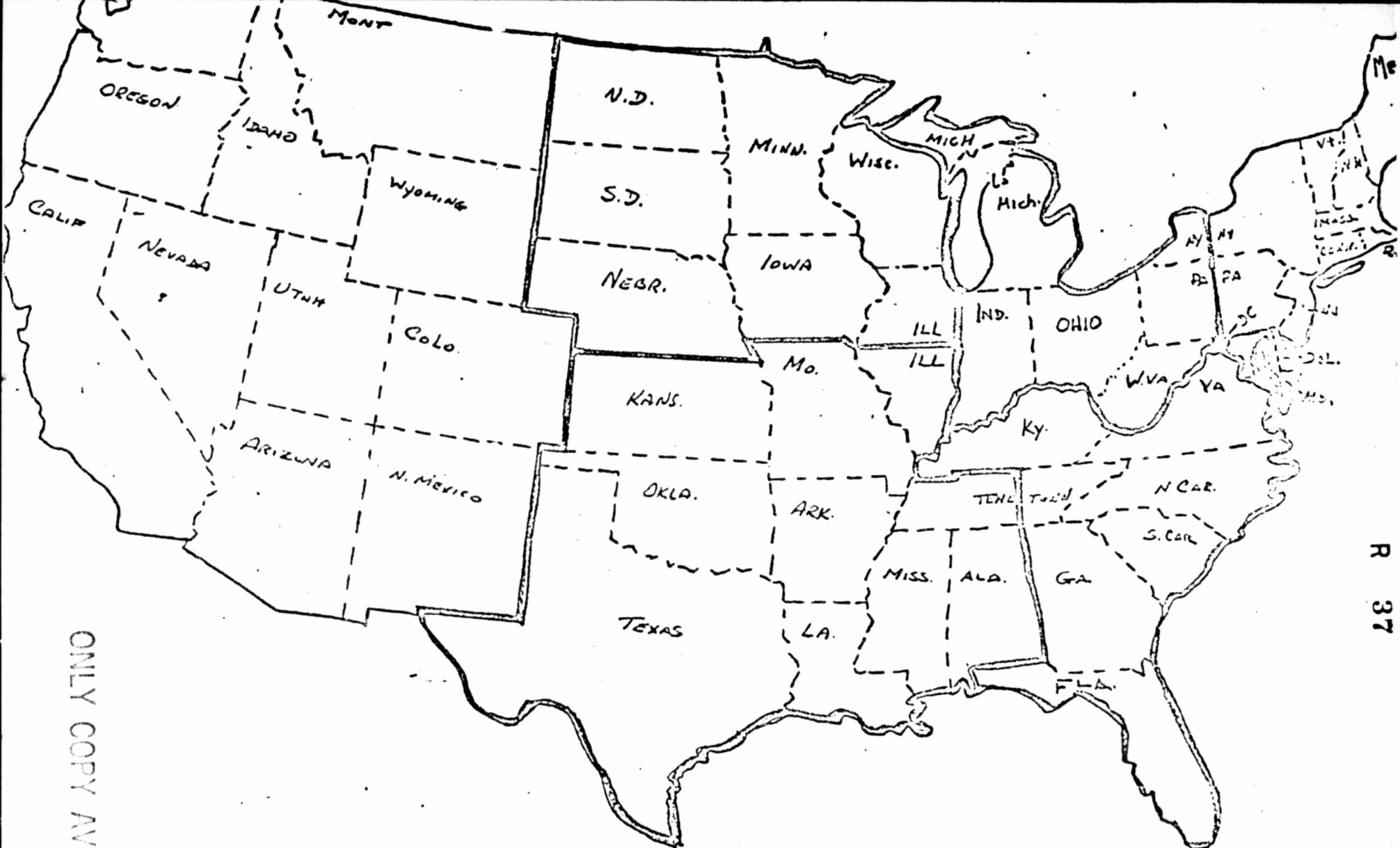
11.2 Local Lodge funds and assets shall be consolidated into the Express Division within the months of July, August, and September, 1974.

11.3 During the interim period, these units shall be prohibited from paying out monies for anything other than usual and ordinary expenses, i.e., salaries existing prior to reorganization, and other expenses as authorized by these units prior to *April* July 1, 1974.

12.0 CHARTS

12.1 Chart 12.1 shows the regional jurisdiction of the Division Vice Presidents.

12.2 Chart 12.2 shows the officers of the Division and method of election.



ONLY COPY AVAILABLE

COMMITTEE

Member, G.L. Board of Trustees, Express

Division Secretary-Treasurer

Eastern States Vice President

South Eastern States Vice President

Central States Vice President

Midwestern States Vice President

South Western Vice President

Western State Vice President

EXECUTIVE

Elected by Division Members
(May, 1975 and each 4 Years Thereafter)

Delegates
to Grand Lod
Convention

District Chairmen-
Convention Delegate
District with 150 or More Members

Elected by Members in District Convention
Delegate Elected December 1974 and Thereafter
Dual Office Elected December 1976 and Each
4 Years Thereafter.

District Chairmen-
Delegate Nominee
Districts with Less Than 150 Members

Express Division
Delegate

Express Division
Delegates-at-Large

District Chairmen are Nominees for Delegates
at-Large Election from Among All Members in
Combined Districts with Less Than 150 Members.

District Legislative
Representatives

Elected by Members in District First Election
December 1976 and Each 4 Years Thereafter.

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Exhibit B Annexed to Affidavit of Robert J. Devlin

MEETING
SUB-COMMITTEE ON STRUCTURE
EXPRESS DIVISION - B. R. A. C.
APRIL 30, 1974 - MAY 1, 1974

AT THE REQUEST OF CHAIRMAN R. J. DEVLIN THE SUB-COMMITTEE ON STRUCTURE MET IN NEW YORK CITY ON APRIL 30, 1974 AND AGAIN ON MAY 1, 1974 FOR THE PURPOSE OF DISCUSSING THE RESTRUCTURE OF THE EXPRESS DIVISION OF B. R. A. C.

PRESENT WERE:

I. V. P. - R. J. DEVLIN - CHAIRMAN
G. C. - S. E. MILONE
G. C. - T. F. TIMMINS
G. C. - W. A. JOHNSON
G. C. - J. J. WITMEYER

ALSO PRESENT IN THE CAPACITY OF SECRETARY OF THE EXPRESS ASSOCIATION WAS GENERAL CHAIRMAN G. E. STEPHENSON.

THE MEETING CONVENED AT 4:00 PM ON APRIL 30TH AND THE SUBJECT MATTER WAS EXPLAINED IN CONCEPTUAL TERMS. REVENUES, OFFICERS, TERRITORIES AND REPRESENTATION WERE DISCUSSED AS THEY RELATED TO AN OVERALL NATIONAL PATTERN.

THIS MEETING WAS ADJOURNED AT 9:10 PM.

ON WEDNESDAY, MAY 1ST, AT 10:00 AM THE MEETING WAS AGAIN CONVENED. A LENGTHY AND DETAILED PROPOSAL FOR RESTRUCTURING THE DIVISION WAS DRAFTED, REVISED AND EDITED.

THE STUDY OF THE PROPOSAL WAS COMPREHENSIVE AND IN GREAT DEPTH AT THE CONCLUSION OF WHICH A TENTATIVE PROPOSAL

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WAS DEEMED ACCEPTABLE, AND ALL PRESENT ENDORSED IT'S
ADOPTION.

IT WAS FURTHER AGREED THAT THE PROPOSAL BE PRESENTED
TO ALL THE GENERAL CHAIRMEN AS SOON AS POSSIBLE FOR THEIR
APPROVAL AND ENDORSEMENT.

THE BUSINESS BEING CONCLUDED, THE MEETING WAS ADJOURNED
AT 6:45 PM.


G. E. STEPHENSON, SEC'Y.-TREAS.

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Exhibit C Annexed to Affidavit of Robert J. Devlin

MEETING ASSOCIATION OF EXPRESS
GENERAL CHAIRMEN

MAY 28 AND 29, 1974

PURSUANT TO THE CALL ISSUED BY CHAIRMAN R. J. DEVLIN,
THE ASSOCIATION OF EXPRESS GENERAL CHAIRMEN ASSEMBLED AND
MET AT THE SHERATON-O'HARE INN, DES PLAINES, ILLINOIS ON
MAY 28 AND 29, 1974.

IN ATTENDANCE WERE:

R. J. DEVLIN	CHAIRMAN
G. E. STEPHENSON	SEC'Y.-TREAS.
T. F. TIMMINS	
J. J. WITMEYER	
W. A. JOHNSON	
S. E. MILONE	
H. SIMONIS	
E. HARSHMAN	
W. HEAD	
N. MYRICK	
F. MCCORMICK	
W. WILKINSON	
C. RICE	
G. KINNING	
G. LOZAR	

GENERAL CHAIRMAN EISSLER WAS ABSENT DUE TO ILLNESS.

THE MEETING WAS CONVENED AT 1:20 PM AT WHICH TIME

CHAIRMAN DEVLIN ANNOUNCED THE FOLLOWING DOCKET:

1. REPORT OF COMPARABILITY PANEL
2. MERCHANT AGENTS AGREEMENT
3. INSURANCE PROGRAM
4. AIR EXPRESS SITUATION
5. RESTRUCTURE

CHAIRMAN DEVLIN INTRODUCED EDWARD UNGER, LABOR'S REPRESENTATIVE ON THE COMPARABILITY PANEL, WHO GAVE AN INTERIM REPORT ON THEIR PROGRESS.

THIS PARTIAL REPORT WILL BE DISTRIBUTED TO ALL EMPLOYEES BY R. E. A. IN THE IMMEDIATE FUTURE.

A FULL AND COMPREHENSIVE REPORT ON THE EXISTING POSITION OF THE AIR EXPRESS DIVISION OF R. E. A. WAS GIVEN BY THE CHAIRMAN, INCLUDING THE ACTIONS TAKEN BY THE C. A. B. AND THE OPERATION OF THE MAGNUSON COMMITTEE.

CHAIRMAN DEVLIN THEN READ CORRESPONDENCE RELATING TO THE MERCHANT AGENT AGREEMENT WHICH WAS A PART OF THE 1966 NATIONAL AGREEMENT AND THE R. E. A.'S UNILATERAL DISCONTINUANCE OF SAME.

DISCUSSION REVOLVED AROUND INTERNATIONAL PRESIDENT DENNIS' LETTER OF FEBRUARY 20, 1974 IN WHICH HE SUGGESTED THAT THE MATTER BE SETTLED THROUGH THE PROCEDURES OF THE RAILWAY LABOR ACT RATHER THAN THROUGH LITIGATION OR COURT ACTION.

AFTER FULL AND INTENSIVE DEBATE, THE FOLLOWING MOTION WAS MADE BY J. WITMEYER AND SECONDED BY W. A. JOHNSON:

"WE HAVE CONSIDERED THE SUGGESTION OF THE INTERNATIONAL PRESIDENT C. L. DENNIS AND AGREE THAT A SECTION 6 NOTICE SHOULD BE FILED AT THE EARLIEST OPPORTUNITY TO BRING THESE MERCHANT

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AGENT. INTO FULL COVERAGE OF THE
AGREEMENT, INCLUDING BUT NOT LIMITED
TO THE UNION SHOP AGREEMENT.

WE ARE ALSO OF THE OPINION THAT THE
PREVIOUSLY SIGNED CONTRACT BINDS US
AS WELL AS R. E. A. TO IT'S TERMS,
AND THAT THE ATTORNEYS SHOULD ADVISE
US FURTHER AS TO PROCEDURE FOR HANDLING
THIS MATTER AS WELL AS PROTECTING OUR
INTERESTS RELATIVE TO TIME LIMITS OF
ANY NATURE."

THE MOTION WAS UNANIMOUSLY ADOPTED.

CHAIRMAN DEVLIN THEN REPORTED ON HIS EFFORTS TO AMEND
THE HEALTH AND WELFARE AGREEMENT AS IT PERTAINS TO WIDOWS
AND CHILDREN.

THE DOCKET FOR RESTRUCTURE WAS THEN PRESENTED TO THE
ASSOCIATION.

THE PROPOSAL FOR REORGANIZATION AND THE REVISED BY-
LAWS WERE DISTRIBUTED TO EACH OF THE GENERAL CHAIRMEN.

THE ENTIRE PROPOSAL WAS READ ALOUD BY THE CHAIRMAN
FOLLOWING WHICH THERE WAS AN OPEN DISCUSSION ON THE SUBJECT.

THE MEETING ADJOURNED AT 5:30 WITH ADVICE FROM THE
CHAIRMAN THAT EACH GENERAL CHAIRMAN SHOULD STUDY THE PROPOSAL
AND BY-LAWS THAT EVENING AND PREPARE FOR FURTHER DISCUSSION
THE FOLLOWING DAY.

WEDNESDAY, May 29, 1974.

THE MEETING OF THE ASSOCIATION OF EXPRESS GENERAL CHAIRMEN AGAIN CONVENED AT 10:05 AM.

ALL WERE PRESENT WITH THE EXCEPTION OF GENERAL CHAIRMAN EISSLER WHO WAS ABSENT ON ACCOUNT OF ILLNESS. ALSO PRESENT WAS VICE PRESIDENT-EXECUTIVE DIRECTOR L. E. DENNIS.

BROTHER DENNIS GAVE A COMPLETE AND IN-DEPTH REPORT ON THE NECESSITY OF REORGANIZATION AS WELL AS THE NECESSITY OF ACCEPTING THE RESTRUCTURING OF THE EXPRESS DIVISION, EXPLAINING THAT THE EXPRESS HAD LIVED UNDER A RAILROAD STRUCTURE FOR FIFTY YEARS, AND A REORGANIZATION PLAN IS NOW BEING PRESENTED THAT HAS BEEN TAILORED TO EXPRESS NEEDS.

FOLLOWING THE ADDRESS OF THE EXECUTIVE DIRECTOR, CHAIRMAN DEVLIN SUMMARIZED THE PROPOSAL TO CLARIFY ANY MISUNDERSTANDINGS.

A QUESTION AND ANSWER PERIOD ENSUED FOR FORTY MINUTES AFTER WHICH A ONE-HALF HOUR RECESS WAS CALLED.

THE MEETING WAS AGAIN CONVENED AT 12:00 NOON WHEN CONSTITUTIONAL QUESTIONS WERE ANSWERED BY L. E. DENNIS AND THE CHAIRMAN.

AFTER A COMPLETE AND UNLIMITED DELIBERATION ON ALL QUESTIONS WAS AFFORDED TO EVERYONE, THE FOLLOWING MOTION WAS MADE BY T. F. TIMMINS AND SECONDED BY W. A. JOHNSON:

MOTION

"I MOVE THAT WE APPROVE THE PROPOSED RESTRUCTURING

OF THE EXPRESS DIVISION, AND AUTHORIZE THE PROPOSED EXECUTIVE COMMITTEE ACTING IN OUR BEHALF TO CARRY OUT THIS RESTRUCTURING AND ADOPT THESE BY-LAWS SUBJECT TO THE APPROVAL OF THE INTERNATIONAL PRESIDENT, STRUCTURE COMMITTEE AND EXECUTIVE COUNCIL; AND FURTHER THAT SAID EXECUTIVE COMMITTEE BE HEREBY AUTHORIZED TO ADJUST THE PROPOSAL TO COVER OVERSIGHT AND TECHNICAL CHANGES, BUT THAT WE RESERVE THE RIGHT TO RECONSIDER THIS PROPOSAL IF THE INTERNATIONAL PRESIDENT, STRUCTURE COMMITTEE AND EXECUTIVE COUNCIL PROPOSE OR ADOPT ANY SUBSTANTIVE CHANGES IN THIS PROPOSAL."

THE FINAL VOTE ON THE MOTION WAS 11 TO 3 IN FAVOR OF THE PROPOSAL.

THE MOTION TO ADJOURN WAS THEN MADE BY GENERAL CHAIRMAN HEAD, SECONDED IN H. SIMONIS AND CARRIED UNANIMOUSLY.

ADJOURNMENT - 1:05 PM.

RESPECTIVELY SUBMITTED

G. E. Stephenson
G. E. STEPHENSON, SEC'Y.-TREAS.

ONLY COPY RETAINED

R 48

Exhibit D Annexed to Affidavit of Robert J. Devlin

MINUTES

STRUCTURE COMMITTEE MEETING

JUNE 5, 1974 ROSEMONT, ILLINOIS

W. C. Y. MC GREGOR, CHAIRMAN
D. A. BOBO, MEMBER
J. R. BORRELLI, MEMBER
E. M. BROOM, MEMBER
J. C. CAMPBELL, MEMBER
C. S. COLEMAN, MEMBER
O. DERDERIAN, MEMBER
R. J. DEVLIN, MEMBER
T. J. DIEHL, MEMBER
T. E. DYCK, MEMBER
T. FITZGIBBON, MEMBER
T. B. GOODWIN, MEMBER
W. E. GRANLUND, MEMBER
W. J. HEAD, MEMBER
G. JACKSON, MEMBER
F. J. KROLL, MEMBER
L. E. MALOOF, MEMBER
J. REESE, MEMBER
E. J. REYNOLDS, MEMBER
E. E. THOMS, MEMBER
B. K. WHITEHEAD, MEMBER

June 5, 1974

Meeting called to order at 10:00 A.M. by Chairman W. C. Y. McGregor.

The purpose of this meeting is to specifically consider the restructuring of the REA Division.

Roll called. Fifteen (15) members present. Five (5) absentees: E. M. Broom, T. B. Goodwin, E. J. Reynolds, E. E. Thoms, B. K. Whitehead.

L. E. Dennis presented and discussed a statistical report of a Summary of Mergers of System Boards, System Divisions, and District Boards in United States and Canada. Copy of report distributed to each member of the Structure Committee.

Members of the Express Division Committee (E. Harshman, W. A. Johnson, S. E. Milone, A. A. Rullo, H. P. Simonis, J. J. Witmeyer, Jr.) were invited to come into the meeting room.

R. J. Devlin read a "Proposal for Reorganization of the Express Division, BRAC" (hereinafter referred to as the "Proposal") and commented on the need for restructuring the Express Division. He requested that the "Proposal" be approved by the Structure Committee.

Question raised by the Chair as to identification of the unit presenting the "Proposal." R. J. Devlin advised that the Express Division had approved the "Proposal" by a vote of 11 for, 3 against, 1 absentee.

Motion made by R. J. Devlin and seconded by D. A. Bobo that the "Proposal" as submitted be recognized as being submitted by the Express Division. Motion carried.

A copy of the "Proposal" was distributed to each member of the Structure Committee.

Discussion followed.

W. J. Head spoke in opposition to the "Proposal" and read from a prepared statement in voicing his opposition. Copies of his rebuttal were distributed to the members of the Structure Committee.

Upon approval of the Structure Committee the members of the Division Express Committee were permitted to comment. Discussion continued.

The members of the Division Express Committee were excused and the Structure Committee went into Executive Session.

Discussion continued.

F. J. Kroll moved to amend 5.0 on page 22 of the "Proposal" by deleting the sentence, "The following shall serve as staff members of the Express Division." Motion adopted.

W. E. Granlund moved to amend the last sentence in 10.0 on page 24 of the "Proposal" to read, "All National Agreements shall be subject to ratification." Motion adopted.

Further discussion.

The Chair announced that a vote would be taken on the "Proposal" as amended. The vote was 12 to 3 in favor.

Those voting against requested they be recorded by name as voting against. Brothers W. J. Head, L. E. Maloof, and J. C. Campbell were recorded as voting against.

The next meeting of the Structure Committee was set for early October, 1974.

Meeting adjourned at 2:00 p.m.

R 52

Exhibit E Annexed to Affidavit of Robert J. Devlin

E
R 53

GRAND LODGE

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES

AFL-CIO

O'HARE INTERNATIONAL TRANSPORTATION CENTER

6300 RIVER ROAD

ROSEMONT, ILLINOIS 60018

D. J. SULLIVAN

INTERNATIONAL SECRETARY-TREASURER

458

June 10, 1974

Mr. Robert J. Devlin
International Vice President
Express Division
141 West 41st Street, Suite 3A
New York, New York 10036

Re: Restructuring of Express Division, BRAC

Dear Sir and Brother:

This is to advise you that the Executive Council of the Brotherhood has approved the plan of restructuring the Express Division of BRAC, as proposed by the National Association of Express General Chairmen and thereafter approved by the Committee on Structure, in accordance with Resolution No. 201 of the 1971 Brotherhood Convention.

Sincerely and fraternally,

D. J. Sullivan

International Secretary-Treasurer

R 54

Exhibit F Annexed to Affidavit of Robert J. Devlin



**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

AFL-CIO —CLC

C. L. DENNIS International President

Files 235-0-16
250-900-16

Subject: Express Division

June 13, 1974

All Local Lodge Officers
Express Division

Dear Sisters and Brothers:

You have by this time been made aware by your District Board Officers of the restructuring of the Express Division/BRAC. The reorganization structure was proposed by the National Association of Express General Chairmen and approved by the Brotherhood's Structure Committee, which was established by the Delegates in session at our 1971 Convention, and further approved by the Brotherhood's Executive Council.

The purpose of this letter is to alert you, as officers, of the Brotherhood to a letter which will be mailed to all members of the Express Division within the next several days, setting out the details of the restructuring. An advance copy of that letter is attached hereto and should assist you in clarifying and answering questions of the members of your Local Lodge.

Briefly, the restructuring of the Express Division will involve the phasing out of all District Boards and Local Lodges and replace them with a new structure which is based on the System Division concept adapted to the needs of the Express Division. As a result, there will be a unified, nation-wide express structure. Primary emphasis of the structure will be on serving the membership in the areas of representation, grievance handling, and contract enforcement and negotiations rather than on a large number of administrative offices.

Effective July 1, all District Boards will be consolidated into the Express Division. During the months of July, August, and September, the Executive Committee of the newly established Division consisting of International Vice President R. J. Devlin, Secretary-Treasurer G. E. Stephenson, Vice Presidents S. E. Milone, Eddie Harshman, W. A. Johnson, H. P. Simonis, J. J. Witmeyer, and F. V. McCormick, will carefully examine the present jurisdiction of Local Lodges and then establish Districts based on a nation-wide structure. As these Districts are established, the Local Lodges within those Districts will be closed out and all residual funds transferred to Secretary-Treasurer G. E. Stephenson, Express Division. In the interim period, Local Lodges and Local Lodge Officers are hereby advised that they are prohibited from paying out monies for anything other than usual and ordinary expenses, i.e., salaries existing prior to reorganization, and other expenses as authorized by these units prior to June 1, 1974.

-2-

All Local Lodges should immediately furnish International Vice President R. J. Devlin with a list of the names of all their Local Lodge Officers, their terms and salaries, as of May 31, 1974.

The restructuring of our Express Division will not be an easy task for any of us involved. I know I can count on all the officers of our Express District Boards and Local Lodges to render their fullest cooperation toward making this transition as smoothly as possible.

Sincerely and fraternally,

A large, stylized handwritten signature in dark ink, reading "E. L. Dennis". The signature is written in a cursive style with a large loop at the end.

International President

cc: Mr. D. J. Sullivan, IST
Mr. R. J. Devlin, IVP
All General Chairmen Express Divn., U.S.

ALL BRAC MEMBERS - REA DIVISION

Greetings:

This letter, admittedly lengthy, contains very important information to members of our Brotherhood employed by REA Express. It is of such importance to you and your family, it is in your best interest to take the few minutes necessary to read and digest its contents. The subject matter deals with, "Proposal For Reorganization of The Express Division of BRAC" and each and everyone of us will, in some way be affected by this proposal.

In 1969 the National Association of Express General Chairmen authorized a study of the structure of the Express Division to bring about changes that would produce a structure that would best serve the needs of our membership. The Committee had made little more than a cursory review of our Express structure when the Executive Council in August, 1970 and then the Grand Lodge Convention in May, 1971 authorized the establishment of a Special Committee on Union Structure to study and make recommendations to improve the basic structure of BRAC as a whole. These authorities naturally took precedence over our limited and independent study of the Express Division alone. In addition I requested, and the International President granted us, a delay in this study in order for us to conclude negotiations with REA Express on our new contract. Our contract behind us, we then returned to the study of restructure.

You are all aware that as a result of a decline in business, there has been a consistent erosion of our membership base in the Express Division. All officers in all levels of the Division have made valiant and successful efforts to keep the Division operating on an effective basis in spite of this decline in membership. However, almost all have also come to realize that this is an increasingly difficult, if not impossible, task.

Presently, we have approximately 13,000 Class 1 members as compared to approximately 19,000 on January 1, 1971. Divided by 15 District Boards, this means an average of 867 Class 1 members per Board. Actually, of course, the real situation is not reflected in the average, since the range in size of Boards is from a high of 1,929 to a low of 138 Class 1 members. Further, 8 of the 15 Boards are below 1,000 Class 1 members.

Thus, we have a union structure which was historically developed to service the needs of 40,000 to 50,000 members, and we are trying to stretch its resources to service a base of only 13,000. This, obviously, is impossible in the long range.

Beyond the simple numbers involved, we are also faced with other serious considerations which stem directly from this decline in membership:

1. A number of District Boards have experienced great financial difficulty in holding District Board Meetings;
2. Several General Chairmen have had to move from a full-time to a part-time status;

3. The ability of Board officers to travel over their jurisdiction is becoming increasingly limited because of financial resources;
4. Ten of our 15 General Chairmen must operate without full-time secretarial assistance;
5. Many of our General Chairmen ~~are~~ are unable to maintain professional office facilities;
6. We presently have 13 full-time officers on a District Board level. However, in many instances where there is more than one full-time officer in a given District Board they are, at best, financially precarious.

Given these facts, it is clear that our ability to provide full-time District Board level representation has been strained beyond its reasonable limit. Yet, the needs of our members clearly call for full-time officers.

We presently have 120 local lodges which are under the jurisdiction of Express District Boards. They range in size from 10 Class 1 members to 772 Class 1 members. On the basis of 13,000 members this would be an average of 109 Class 1 members per local lodge. 51 lodges are below fifty Class 1 members; 82 are below 100 members; 96 are below 150 members.

Class 1 members are those with an active employment relationship.

To the best of our information, there are six full-time local lodge officers in the Division, and one full-time combination local lodge and District Board officer. Our local lodges generally are unable to function as effectively as our local lodge officers and members would desire. The major cause of this is, of course, money. And the major cause for the lack of money is the decrease in membership. Given this situation, we see many negative features increasingly apparent;

1. Many local lodges either have difficulty in filling or cannot fill the officer positions;
2. The resources of many local lodges are split up among many officers, providing very little remuneration for any one officer;
3. Many local lodges cannot afford to even have the Local Chairman check off from work in order to handle grievances or discipline work;
4. Attendance at local lodge meetings is at an historic low.

Under our present structure, we require monthly meetings of our lodges and we require a full complement of officers to carry out the business of the lodge. When you look at this structure in the cold reality of today's membership levels, it is clear that it is a luxury our members cannot afford, and a luxury which does not really produce direct benefits for the member. Thus, each lodge has a President, Vice President, Recording Secretary, Financial Secretary-Treasurer, Legislative Representative, three man Board of Trustees, and a Protective Committee composed of a Chairman and at least two members. That is the constitutional minimum under our present structure. The member's interest in his union is in grievance handling and contract negotiations. Realistically, any local lodge function

which is not directly related to these areas exists for the benefit of the union structure rather than for the benefit of the member's primary interest. Such functions are self-serving rather than membership serving. In plain and simple English, that means that a majority of our local lodge officers under our present structure are filling offices which serve the administrative needs of the union as an institution, rather than the needs of the member in handling grievances and contracts. Of course, such administrative needs must be met in all organizations. Our problem is that we are meeting them with a structure which is totally unrealistic, and we are dissipating our resources to the point where we are no longer able to meet the direct membership needs without tremendous human sacrifice.

We could go on with this list of problems, but the picture is clear. As a result of management policies which brought a severe decline in business, and a subsequent massive decline in membership, we now have an Express Division structure stretched beyond its available resources, with underpaid officers, with financial strains impairing the ability of these officers to service our membership. There are no easy solutions to these problems, but it is apparent that we must take steps to change the situation. We must develop our own structure which meets our needs as Expressmen.

The goals are clear:

1. Improve service to our members;
2. Solidify our strength;
3. Maintain the elective process;
4. Maintain some type of regional representation;
5. Increase clerical support help;
6. Consolidate our strengths;
7. Solidify full-time representation;
8. Protect existing officers equities;
9. Eliminate jurisdictional problems.

The following proposal is designed to accomplish these objectives. It is a structure which would be unique to the Express Division. It is a structure which is designed specifically for the Express Division, unlike the railroad structure or pattern. It is a structure which draws on our experiences, and also on the experiences of other unions. It makes use of the new flexibility we have been afforded by Convention action through the Structure Committee, and adapts what we feel are the best features of the variety of BRAC structures available to us -- System Board; System Division; Terminal Board; Local Lodge; Local Districts; and so on -- and focuses them on meeting the needs of our Express members.

We believe this structure will more effectively utilize our resources, improve our ability to service our membership, and maintain our integrity as a Division of BRAC, separate and different from its many other groups.

Essentially, we will completely phase out the District Board/Local Lodge Structure and replace it with a new structure which is based on the System Division concept adapted to the needs of the Express. This means that there will be a unified, nation-wide Express structure. It means that the primary emphasis of the structure will be on serving the membership in the areas of representation, grievance handling, and contract enforcement and negotiations, rather than on a large number of administrative offices.

The fundamental principles which we have followed are very simple:

- * Improve representation by concentrating efforts and resources;
- * Establish a flexibility in structure;
- * Make sure that the equity interests of all those members who have served as officers on a local lodge and District Board and Grand Lodge level are properly taken care of.

We propose to implement this restructuring by merging all existing District Boards of Adjustment into a new Express Division, effective July 1, 1974. The Officers of the Express Division shall be:

- * International Vice President and President, Express Division
- * Secretary-Treasurer, Express Division
- * Six Regional Vice Presidents, Express Division
(Eastern States, Central States, Southeastern States, Midwestern States, Southwestern States, Western States)

In addition there shall be elected:

- * A Division Board of Trustees, composed of a Chairman and two members, elected by the members of the Division, and;
- * A Division Appeals Committee composed of a Chairman and two members, elected by the members of the Division.

The six Regional Vice Presidents and the Secretary-Treasurer shall be elected by the District Chairmen in the Division as a whole. The President of the Division shall be International Vice President-Express, elected by the BRAC Convention. These officers shall form the Executive Committee of the Division and also function as the Division Negotiating Committee. They shall have all powers of office as established in the Protective Laws of BRAC as outlined in Section 2, Article 5.

The Division President will appoint one (1) Assistant and a Secretary to the Division President subject to the approval of the International President. The present Grand Lodge Organizers coming from the Express, Brothers Cusumano and Leonidas, will be assigned to the International Vice President's office. Area Representatives and clerical help as needed will be appointed and assigned by the Division President subject to the approval of the Executive Committee.

The local level officers will be District Chairmen - Convention Delegate. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the present jurisdiction of local lodges and then establish Districts based on a nation-wide structure. The Executive Committee shall then designate one of the present Local Chairmen or other Local Lodge Officers from a lodge within the new District to serve as District Chairman for the new District, with salary and expenses set initially by the Executive Committee. These District Chairmen shall become the members of the Express Division. They shall be subject to election by the members in their District in December, 1976, to a four year term of office and,

District
Legislative Representatives. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the jurisdiction of the new Districts and designate one of the present Legislative Representatives or other Local Lodge Officers from lodges within the District to serve as Legislative Representatives for each State in which the District has ten or more members. Salary and expenses for such Legislative Representatives not otherwise defrayed shall be borne by the Division. These Legislative Representatives shall be subject to election in December, 1976 to a four year term of office.

Convention representation for the 1975 Grand Lodge Convention - in Districts with 150 or more members the members ^{therein} shall elect a Convention Delegate in December, 1974. He shall have a weighted vote in accordance with Grand Lodge formulae. Districts with less than 150 members shall be pooled and the members shall elect the number of delegates-at-large to which this total number of members entitle them under the Grand Lodge formulae, with each delegate so elected having one vote.

Convention representation after 1975 will be determined as follows:

In Districts with 150 or more members the office of District Chairman and Convention Delegate will be combined. In December, 1976, and each four years thereafter, whoever is elected District Chairman-Convention Delegate shall serve as Convention Delegate at the next Convention, providing qualifications are met, including having 150 or more members in the September preceding the Convention year. The Delegate shall have a weighted vote. In Districts with less than 150 members the office of District Chairman-Convention Delegate nominee shall be combined into one office. In December, 1976, whoever are elected District Chairmen-Convention Delegate nominees from such Districts shall then have their names placed on an at-large ballot and the members in that pool of Districts shall elect at-large delegates from that group. Each delegate shall have one vote. These at-large elections shall be conducted in December of the year preceding the Convention.

As soon as possible all District Boards (July, 1974) and Local Lodges (July-August-September, 1974) shall be terminated and their assets consolidated into the Express Division treasury. In the interim period, these units shall be prohibited from paying out monies for anything other than usual and ordinary expenses, i.e., salaries existing prior to reorganization, and other expenses as authorized by these units prior to June 1, 1974. After the new Districts are established, all local lodge officers not designated as District Chairmen shall be afforded, at their choice, one of the following two options:

- (1) Continuation on the Division payroll at their present local lodge rate of pay for the balance of their local lodge term of office; or
- (2) A lump-sum separation allowance of twelve times their present local lodge monthly rate of pay provided their term of office has 12 or more months remaining.

If appointed or elected to any other office in the union during the period involved, or the period of the options, the salary established for the office to which appointed or elected shall be in lieu of the amounts set forth in the above options. Present local lodge officers designated as District Chairmen under the new structure will be guaranteed as a minimum their present local lodge salary on an incumbency basis through their new term of office.

The Division shall meet every other year, in odd-numbered years. In years of the Grand Lodge Convention, the Division meeting shall take place in the Convention City the week immediately following the Convention. Election of officers shall be conducted at the meetings held during Convention years, for four year terms. The Division President shall conduct Educational Conferences for local officers of the Division in each Region in the even-numbered years. The Regional Vice President Area Representatives and District Chairmen may conduct more frequent meetings as their judgment deems necessary, with the approval of the Division President.

In order to have an orderly transition from our present Express Structure to the new Express Division Structure, which will be a difficult and complicated process, there will have to be a number of temporary measures taken which, in effect, constitute an organizing type effort. The basic principles which we must follow in this transition are really very clear and direct:

- * We must thoroughly protect the interests of our members in the transition so that their claims, grievances, and contracts are not impaired;
- * We must select highly capable local level officers (District Chairmen and Legislative Representatives) to serve during the temporary period;
- * We must make sure that the Division Officers who operate during the temporary period see that the rights of the members are properly protected;
- * We must bring about better communication with our members through more frequent member/officer contact;

- * We must coordinate the efforts of all officers and appointive personnel so that we work in common directions.

We have already taken the necessary following actions:

The National Association of Express General Chairmen was convened in session on May 28, 29, 1974 by the International Vice President, Express. The General Chairmen adopted, subject to the approval of the International President, this reorganization plan effective July 1, 1974;

Temporary Division By-Laws were also adopted by the General Chairmen, subject to the approval of the International President.

Since this proposal does involve suggested constitutional changes it was submitted to, and approved by, the Structure Committee for temporary operating authority and then submitted to, and approved by, the Executive Council.

W 64

In order to further the orderly and effective transition, the following present officers shall hold the following new positions until the regular election in 1975:

<u>TITLE</u>	<u>NAME</u>
International Vice President & President, Express Division	R. J. Devlin
Secretary-Treasurer, Express Div.	G. E. Stephenson
Vice President-Eastern States	S. E. Milone
Vice President-Central States	Eddie Harshman
Vice President-Southeastern States	W. A. Johnson
Vice President-Midwestern States	H. P. Simonis
Vice President-Southwestern States	J. J. Witmeyer
Vice President-Western States	F. V. McCormick

DIVISION STAFF

<u>TITLE</u>	<u>NAME</u>
Area Representatives (as needed)	
Area Representative	T. F. Timmins, Jr.
Area Representative	C. T. Rice, Jr.
Area Representative	W. J. Head
Area Representative	G. E. Lozar
Area Representative	Gordon Kinning
Area Representative	W. W. Wilkinson
Area Representative	William Eissler
Area Representative	M. C. Myrick
Area Representative	F. J. Hanrahan
Area Representative	B. J. Smith

Area Representatives will serve to assist the membership wherever and whenever there is a need. This list is not complete. As soon as the Executive Committee completes the task of creating the new Districts, we expect to significantly increase the number of full and part-time Area Representatives. However, we feel this should be done only after we have made a full assessment of membership needs in each Region and District. We will seek the help and advice of all Local Lodge Officers and members in this assessment.

In addition to the Area Representatives there will be approximately 50 District Representatives located throughout the United States to provide local representation in the area where you work.

Division Board of Trustees

<u>TITLE</u>	<u>NAME</u>
Chairman	B. J. Smith
Member	W. Eissler
Member	W. Head

Division Appeals Committee

<u>TITLE</u>	<u>NAME</u>
Chairman	J. J. Witmeyer, Jr.
Member	W. A. Johnson
Member	F. V. McCormick

If an Area Representative position becomes vacant for any reason the Executive Committee shall have the right to fill it, in the manner described, or to eliminate the position.

The election of officers shall be accomplished as set out hereafter.

International Vice President-Express (President, Express Division) and Member, Board of Trustees, Express, will be elected at the BRAC Conventions in the usual manner.

The Express Division Secretary-Treasurer, Appeals Committee and Board of Trustees, will be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen for a four year term.

The six Regional Vice Presidents, will be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen, for a four year term.

The District Chairmen will be elected by members in the District for a four year term. Next election scheduled for December, 1976, when the District Chairman will run as District Chairman/Convention Delegate.

The Legislative Representatives will be elected by members in the District. The next election is scheduled for December, 1976. In the interim the Executive Committee will designate one of the present Local Lodge Legislative Representatives or other Local Lodge officers to serve as the District Legislative Representative(s).

ments

Arrange/ will be made to protect and advance existing claims and grievances. Future claims and grievances in the Express Division shall be filed by the District Chairmen or, in some instances, by the Area Representative. The first appeal will be handled by the Area Representative or, in some instances, by the Vice President or his designee and then to the International Vice President for

submission to arbitration. Negotiations for changes in the agreement, implementing agreements, local agreements, etc., shall be supervised by the International Vice President and the Negotiating Committee, with specific assignments given to the Regional Vice Presidents and Area Representatives. All National Agreements shall be subject to ratification.

DUES AND FEES

The new reorganization requires the implementation of a uniform policy on Dues and Fees. Therefore, effective July 1, 1974 dues and fees for all Express Members will be as follows:

MONTHLY DUES	-	\$12.50 Active Members
MONTHLY DUES	-	\$ 1.50 Retention and Retired Members
INITIATION FEE	-	\$100.00
REINSTATEMENT FEE	-	\$150.00

For the overwhelming majority of our members, this means the maintenance of the same dues level. For some members, it means a dues increase, and for some it means an actual decrease in dues. From this time forward, it means that all Express members will be paying the same amount of dues and are fully entitled to expect, demand and receive the same high level of service.

We specifically caution you to note the re-instatement fee. Members must be aware of their obligation to pay dues monthly and on a timely basis. We urge all members to take advantage of the dues payroll deduction procedure. This assures proper receipt on a timely basis if the dues are paid thru payroll deduction. However, if you care to pay your dues direct rather than thru payroll deduction, or if you are a retired or out-of-work member whose dues cannot be deducted from payroll, you are to send your dues in a timely fashion to:

Mr. G. E. Stephenson, Secretary-Treasurer
Express Division, BRAC
(Address will appear in letter to members)

Checks or money order should be made payable to:

G. E. Stephenson, Sec.-Treas.,
Express Division, BRAC

Secretary-Treasurer Stephenson is the exclusive agent for the collection of dues, initiation and reinstatement fees. No other representative shall collect dues or fees unless specifically authorized by him.

You are specifically cautioned that sending your dues by mail inevitably results in delays due to the slow handling of the U. S. Postal Service. It takes as long as two weeks for the Postal Service to deliver mail to this office from some parts of the country. Those of you who are not on payroll deduction are urged to take advantage of this system.

You are reminded that dues are due and payable on the first day of each calendar month, which means that a member owes two (2) months' dues on the first day of the second month, and before midnight of the last day of the second month for which he owes dues he must remit the two (2) months' dues or he is automatically suspended. No demand for payment of dues or notice of non-payment thereof or delinquency is necessary or required. Further, no notice of suspension is required.

We realize this most progressive undertaking will be difficult and at times confusing to all, but with patience and perseverance we shall develop a unit of the Brotherhood that we can all be proud of. We ask all of you to exhibit a true spirit of Brotherhood in our endeavors through cooperation and understanding.

R 67

With best personal regards.

Sincerely and fraternally,

International President

International Vice President
Express Division

R 68

Exhibit G Annexed to Affidavit of Robert J. Devlin



The Modern Union... On The Move

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

AFL-CIO —CLC

C. L. DENNIS International President

ALL BRAC MEMBERS-REA DIVISION

Greetings:

This letter, admittedly lengthy, contains very important information to members of our Brotherhood employed by REA Express. It is of such importance to you and your family, it is in your best interest to take the few minutes necessary to read and digest its contents. The subject matter deals with, "Proposal For Reorganization of The Express Division of BRAC" and each and everyone of us will, in some way be affected by this proposal.

In 1969 the National Association of Express General Chairmen authorized a study of the structure of the Express Division to bring about changes that would produce a structure that would best serve the needs of our membership. The Committee had made little more than a cursory review of our Express structure when the Executive Council in August, 1970 and then the Grand Lodge Convention in May, 1971 authorized the establishment of a Special Committee on Union Structure to study and make recommendations to improve the basic structure of BRAC as a whole. These authorities naturally took precedence over our limited and independent study of the Express Division alone. In addition I requested, and the International President granted us, a delay in this study in order for us to conclude negotiations with REA Express on our new contract. Our contract behind us, we then returned to the study of restructure.

You are all aware that as a result of a decline in business, there has been a consistent erosion of our membership base in the Express Division. All officers in all levels of the Division have made valiant and successful efforts to keep the Division operating on an effective basis in spite of this decline in membership. However, almost all have also come to realize that this is an increasingly difficult, if not impossible, task.

Presently, we have approximately 13,000 Class 1 members as compared to approximately 19,000 on January 1, 1971. Divided by 15 District Boards, this means an average of 867 Class 1 members per Board. Actually, of course, the real situation is not reflected in the average, since the range in size of Boards is from a high of 1,929 to a low of 138 Class 1 members. Further, 8 of the 15 Boards are below 1,000 Class 1 members.

Thus, we have a union structure which was historically developed to service the needs of 40,000 to 50,000 members, and we are trying to stretch its resources to service a base of only 13,000. This, obviously, is impossible in the long range.

Beyond the simple numbers involved, we are also faced with other serious considerations which stem directly from this decline in membership:

1. A number of District Boards have experienced great financial difficulty in holding District Board Meetings;
2. Several General Chairmen have had to move from a full-time to a part-time status;
3. The ability of Board officers to travel over their jurisdiction is becoming increasingly limited because of financial resources;
4. Ten of our 15 General Chairmen must operate without full-time secretarial assistance;
5. Many of our General Chairmen are unable to maintain professional office facilities;
6. We presently have 13 full-time officers on a District Board level. However, in many instances where there is more than one full-time officer in a given District Board they are, at best, financially precarious.

Given these facts, it is clear that our ability to provide full-time District Board level representation has been strained beyond its reasonable limit. Yet, the needs of our members clearly call for full-time officers.

We presently have 120 local lodges which are under the jurisdiction of Express District Boards. They range in size from 10 Class 1 members to 772 Class 1 members. On the basis of 13,000 members this would be an average of 109 Class 1 members per local lodge. 51 lodges are below fifty Class 1 members; 82 are below 100 members; 96 are below 150 members.

Class 1 members are those with an active employment relationship.

To the best of our information, there are six full-time local lodge officers in the Division, and one full-time combination local lodge and District Board officer. Our local lodges generally are unable to function as effectively as our local lodge officers and members would desire. The major cause of this is, of course, money. And the major cause for the lack of money is the decrease in membership. Given this situation, we see many negative features increasingly apparent:

1. Many local lodges either have difficulty in filling or cannot fill the officer positions;
2. The resources of many local lodges are split up among many officers, providing very little remuneration for any one officer;
3. Many local lodges cannot afford to even have the Local Chairman check off from work in order to handle grievances or discipline work;
4. Attendance at local lodge meetings is at an historic low.

Under our present structure, we require monthly meetings of our lodges and we require a full complement of officers to carry out the business of the lodge. When you look at this structure in the cold reality of today's membership levels, it is clear that it is a luxury our members cannot afford, and a luxury which does not really produce direct benefits for the member. Thus, each lodge has a President, Vice President, Recording Secretary, Financial Secretary-Treasurer, Legislative Representative, three-man Board of Trustees, and a Protective Committee composed of a Chairman and at least two members. That is the constitutional minimum under our present structure. The member's interest in his union is in grievance handling and contract negotiations. Realistically, any local lodge function which is not directly related to these areas exists for the benefit of the union structure rather than for the benefit of the member's primary interest. Such functions are self-serving rather than membership serving. In plain and simple English, that means that a majority of our local lodge officers under our present structure are filling offices which serve the administrative needs of the union as an institution, rather than the needs of the member in handling grievances and contracts. Of course, such administrative needs must be met in all organizations. Our problem is that we are meeting them with a structure which is totally unrealistic, and we are dissipating our resources to the point where we are no longer able to meet the direct membership needs without tremendous human sacrifice.

We could go on with this list of problems, but the picture is clear. As a result of management policies which brought a severe decline in business, and a subsequent massive decline in membership, we now have an Express Division structure stretched beyond its available resources, with underpaid officers, with financial strains impairing the ability of these officers to service our membership. There are no easy solutions to these problems, but it is apparent that we must take steps to change the situation. We must develop our own structure which meets our needs as Expressmen.

The goals are clear:

1. Improve service to our members;
2. Solidify our strength;
3. Maintain the elective process;
4. Maintain some type of regional representation;
5. Increase clerical support help;
6. Consolidate our strengths;
7. Solidify full-time representation;
8. Protect existing officers' equities;
9. Eliminate jurisdictional problems.

The following proposal is designed to accomplish these objectives. It is a structure which would be unique to the Express Division. It is a structure which is designed specifically for the Express Division, unlike the railroad structure or pattern. It is a structure which draws on our experiences, and also on the experiences of other unions. It makes use of the new flexibility we have been afforded by Convention action through the Structure Committee, and adapts what we feel are the best features of the variety of BRAC structures available to us—System Board; System Division; Terminal Board; Local Lodge; Local Districts; and so on—and focuses them on meeting the needs of our Express members.

We believe this structure will more effectively utilize our resources, improve our ability to service our membership, and maintain our integrity as a Division of BRAC, separate and different from its many other groups.

Essentially, we will completely phase out the District Board/Local Lodge Structure and replace it with a new structure which is based on the System Division concept adapted to the needs of the Express. This means that there will be a unified, nation-wide Express structure. It means that the primary emphasis of the structure will be on serving the membership in the areas of representation, grievance handling, and contract enforcement and negotiations, rather than on a large number of administrative offices.

The fundamental principles which we have followed are very simple:

- Improve representation by concentrating efforts and resources;
- Establish a flexibility in structure;
- Make sure that the equity interests of all those members who have served as officers on a local lodge and District Board and Grand Lodge level are properly taken care of.

We propose to implement this restructuring by merging all existing District Boards of Adjustment into a new Express Division, effective July 1, 1974. The Officers of the Express Division shall be:

- International Vice President and President, Express Division;
- Secretary-Treasurer, Express Division;
- Six Regional Vice Presidents, Express Division (Eastern States, Central States, Southeastern States, Midwestern States, Southwestern States, Western States).

In addition there shall be elected:

- A Division Board of Trustees, composed of a Chairman and two members, elected by the members of the Division, and;
- A Division Appeals Committee composed of a Chairman and two members, elected by the members of the Division.

... The six Regional Vice Presidents and the Secretary-Treasurer shall be elected by the District Chairmen in the Division as a whole. The President of the Division shall be International Vice President-Express, elected by the BRAC Convention. These officers shall form the Executive Committee of the Division and also function as the Division Negotiating Committee. They shall have all powers of office as established in the Protective Laws of BRAC as outlined in Section 2, Article 5.

The Division President will appoint one (1) Assistant and a Secretary to the Division President subject to the approval of the International President. The present Grand Lodge Organizers coming from the Express, Brothers Cusumano and Leonidas, will be assigned to the International Vice President's office. Area Representatives and clerical help as needed will be appointed and assigned by the Division President subject to the approval of the Executive Committee.

The local level officers will be District Chairmen—Convention Delegate. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the present jurisdiction of local lodges and then establish Districts based on a nation-wide structure. The Executive Committee shall then designate one of the present Local Chairmen or other Local Lodge Officers from a lodge within the new District to serve as District Chairman for the new District, with salary and expenses set initially by the Executive Committee. These District Chairmen shall become the members of the Express Division. They shall be subject to election by the members in their District in December, 1976, to a four year term of office.

District Legislative Representatives. During the first three months after the effective date of reorganization, the Executive Committee shall carefully examine the jurisdiction of the new Districts and designate one of the present Legislative Representatives or other Local Lodge Officers from lodges within the District to serve as Legislative Representatives for each State in which the District has ten or more members. Salary and expenses for such Legislative Representatives not otherwise defrayed shall be borne by the Division. These Legislative Representatives shall be subject to election in December, 1976 to a four year term of office.

Convention representation for the 1975 Grand Lodge Convention—in Districts with 150 or more members the members therein shall elect a Convention Delegate in December, 1974. He shall have a weighted vote in accordance with Grand Lodge formulae. Districts with less than 150 members shall be pooled and the members shall elect the number of delegates-at-large to which this total number of members entitle them under the Grand Lodge formulae, with each delegate so elected having one vote.

Convention representation after 1975 will be determined as follows:

In Districts with 150 or more members the office of District Chairman and Convention Delegate will be combined. In December, 1976, and each four years thereafter, whoever is elected District Chairman-Convention Delegate shall serve as Convention Delegate at the next Convention, providing qualifications are met, including having 150 or more members in the September preceding the Convention year. The Delegate shall have a weighted vote. In Districts with less than 150 members the office of District Chairman-Convention Delegate nominee shall be combined into one office. In December, 1976, whoever are elected District Chairmen-Convention Delegate nominees from such Districts shall then have their names placed on an at-large ballot and the members in that pool of Districts shall elect at-large delegates from that group. Each delegate shall have one vote. These at-large elections shall be conducted in December of the year preceding the Convention.

As soon as possible all District Boards (July, 1974) and Local Lodges (July-August-September, 1974) shall be terminated and their assets consolidated into the Express Division treasury. In the interim period, these units shall be prohibited from paying out monies for anything other than usual and ordinary expenses, i.e., salaries existing prior to reorganization, and other expenses as authorized by these units prior to June 1, 1974. After the new Districts are established, all local lodge officers not designated as District Chairmen shall be afforded, at their choice, one of the following two options:

- (1) Continuation on the Division payroll at their present local lodge rate of pay for the balance of their local lodge term of office; or
- (2) A lump-sum separation allowance of twelve times their present local lodge monthly rate of pay provided their term of office has 12 or more months remaining.

If appointed or elected to any other office in the union during the period involved, or the period of the options, the salary established for the office to which appointed or elected shall be in lieu of the amounts set forth in the above options. Present local lodge officers designated as District Chairmen under the new structure will be guaranteed as a minimum their present local lodge salary on an incumbency basis through their new term of office.

The Division shall meet every other year, in odd-numbered years. In years of the Grand Lodge Convention, the Division meeting shall take place in the Convention City the week immediately following the Convention. Election of officers shall be conducted at the meetings held during Convention years, for four year terms. The Division President shall conduct Educational-Conferences for local officers of the Division in each Region in the even-numbered years. The Regional Vice President, Area Representatives and District Chairmen may conduct more frequent meetings as their judgment deems necessary, with the approval of the Division President.

In order to have an orderly transition from our present Express Structure to the new Express Division Structure, which will be a difficult and complicated process, there will have to be a number of temporary measures taken which, in effect, constitute an organizing type effort. The basic principles which we must follow in this transition are really very clear and direct:

- We must thoroughly protect the interests of our members in the transition so that their claims, grievances, and contracts are not impaired;
- We must select highly capable local level officers (District Chairmen and Legislative Representatives) to serve during the temporary period;

- We must make sure that the Division Officers who operate during the temporary period see that the rights of the members are properly protected;
- We must bring about better communication with our members through more frequent member/officer contact;
- We must coordinate the efforts of all officers and appointive personnel so that we work in common directions.

We have already taken the necessary following actions:

The National Association of Express General Chairmen was convened in session on May 28, 29, 1974 by the International Vice President, Express. The General Chairmen adopted, subject to the approval of the International President, this reorganization plan effective July 1, 1974;

Temporary Division By-Laws were also adopted by the General Chairmen, subject to the approval of the International President.

Since this proposal does involve suggested constitutional changes it was submitted to, and approved by, the Structure Committee for temporary operating authority and then submitted to, and approved by, the Executive Council.

In order to further the orderly and effective transition, the following present officers shall hold the following new positions until the regular election in 1975:

TITLE	NAME
International Vice President and President, Express Division.....	R. J. Devlin
Secretary-Treasurer, Express Division.....	G. E. Stephenson
Vice President—Eastern States.....	S. E. Milone
Vice President—Central States.....	Eddie Harshman
Vice President—Southeastern States.....	W. A. Johnson
Vice President—Midwestern States.....	H. P. Simonis
Vice President—Southwestern States.....	J. J. Witmeyer
Vice President—Western States.....	F. V. McCormick

DIVISION STAFF

Area Representatives (as needed)

TITLE	NAME
Area Representative.....	T. F. Timmins, Jr.
Area Representative.....	C. T. Rice, Jr.
Area Representative.....	W. J. Head
Area Representative.....	G. E. Lozar
Area Representative.....	Gordon Kinning
Area Representative.....	W. W. Wilkinson
Area Representative.....	William Eissler
Area Representative.....	M. C. Myrick
Area Representative.....	F. J. Hanrahan
Area Representative.....	B. J. Smith

Area Representatives will serve to assist the membership wherever and whenever there is a need. This list is not complete. As soon as the Executive Committee completes the task of creating the new

Districts, we expect to significantly **increase** the number of full and part-time Area Representatives. However, we feel this should be done only **after** we have made a full assessment of membership needs in each Region and District. We will seek the help and advice of all Local Lodge Officers and members in this assessment.

In addition to the Area Representatives there will be approximately 50 District Representatives located throughout the United States to provide local representation in the area where you work.

Division Board of Trustees

TITLE	NAME
Chairman.....	B. J. Smith
Member.....	W. Eissler
Member.....	W. Head

Division Appeals Committee

TITLE	NAME
Chairman.....	J. J. Witmeyer, Jr.
Member.....	W. A. Johnson
Member.....	F. V. McCormick

If an Area Representative position becomes vacant for any reason the Executive Committee shall have the right to fill it, in the manner described, or to eliminate the position.

The election of officers shall be accomplished as set out hereafter.

International Vice President-Express (President, Express Division) and Member, Board of Trustees, Express, will be elected at the BRAC Conventions in the usual manner.

The Express Division Secretary-Treasurer, Appeals Committee and Board of Trustees, will be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen for a four year term.

The Six Regional Vice Presidents, will be elected at the 1975 Division Meeting following the Convention by a vote of the District Chairmen, for a four year term.

The District Chairmen will be elected by members in the District for a four year term. Next election scheduled for December, 1976, when the District chairman will run as District Chairman/Convention Delegate.

The Legislative Representatives will be elected by members in the District. The next election is scheduled for December, 1976. In the interim the Executive Committee will designate one of the present Local Lodge Legislative Representatives or other Local Lodge officers to serve as the District Legislative Representative(s).

Arrangements will be made to protect and advance existing claims and grievances. Future claims and grievances in the Express Division shall be filed by the District Chairmen or, in some instances, by the Area Representative. The first appeal will be handled by the Area Representative or, in some instances, by the Vice President or his designee and then to the International Vice President for submission to arbitration. Negotiations for changes in the agreement, implementing agreements, local agreements, etc., shall be supervised by the International Vice President and the Negotiating Committee, with specific assignments given to the Regional Vice Presidents and Area Representatives. All National Agreements shall be subject to ratification.

DUES AND FEES

The new reorganization requires the implementation of a uniform policy on Dues and Fees. Therefore, effective July 1, 1974 dues and fees for all Express Members will be as follows:

- MONTHLY DUES—\$12.50 Active Members
- MONTHLY DUES—\$ 1.50 Retention and Retired Members
- INITIATION FEE—\$100.00
- REINSTATEMENT FEE—\$150.00

For the overwhelming majority of our members, this means the maintenance of the same dues level. For some members, it means a dues increase, and for some it means an actual decrease in dues. From this time forward, it means that all Express members will be paying the same amount of dues and are fully entitled to expect, demand and **receive** the same high level of service.

We specifically caution you to note the re-instatement fee. Members must be aware of their obligation to pay dues monthly and on a timely basis. We urge all members to take advantage of the dues payroll deduction procedure. This assures proper receipt on a timely basis if the dues are paid through payroll deduction. However, if you care to pay your dues direct rather than through payroll deduction, or if you are a retired or out-of-work member whose dues cannot be deducted from payroll, you are to send your dues in a timely fashion to:

Mr. G. E. Stephenson, Secretary-Treasurer
Express Division, BRAC
P.O. Box 8609
Chicago, Illinois 60680

Checks or money order should be made payable to:

G. E. Stephenson, Secretary-Treasurer,
Express Division, BRAC

Secretary-Treasurer Stephenson is the exclusive agent for the collection of dues, initiation and reinstatement fees. No other representative shall collect dues or fees unless specifically authorized by him.

You are specifically cautioned that sending your dues by mail inevitably results in delays due to the slow handling of the U.S. Postal Service. It takes as long as **two weeks** for the Postal Service to deliver mail to this office from some parts of the country. Those of you who are not on payroll deduction are urged to take advantage of this system.

You are reminded that dues are due and payable on the first day of each calendar month, which means that a member owes **two (2) months' dues** on the first day of the second month, and before midnight of the last day of the second month for which he owes dues he must remit the **two (2) months' dues** or he is automatically suspended. No demand for payment of dues or notice of non-payment thereof or delinquency is necessary or required. Further, no notice of suspension is required.

We realize this most progressive undertaking will be difficult and at times confusing to all, but with patience and perseverance we shall develop a unit of the Brotherhood that we can all be proud of. We ask all of you to exhibit a true spirit of Brotherhood in our endeavors through cooperation and understanding.

With best personal regards.

Sincerely and fraternally,



International President



International Vice President

R 76

Exhibit H Annexed to Affidavit of Robert J. Devlin

RESOLUTION NO. 201

(As Amended)

STRUCTURE COMMITTEE

WHEREAS, A Committee on Structure be authorized by the 1971 Convention and be charged with the responsibility of recommending specific changes in structure to the 1975 Convention, and

WHEREAS, Such task cannot be effectively undertaken unless the Committee on Structure is specifically authorized as to the scope of its functions, operations and financial resources, and

WHEREAS, In order for the Committee on Structure to effectively carry out its duties, it is imperative that experimentation be allowed to test the desirability of proposed improvements in the Brotherhood structure.

THEREFORE, BE IT RESOLVED, That the 1971 Convention authorize the Committee on Structure as follows:

1. Functions. The Committee shall be invested with the specific responsibility to investigate the forms and types of union structure in existence today; to solicit and receive suggestions for improvement of our present structure from our membership and officers on a local, system, and national level; and to report to the next regular BRAC Convention with specific recommendations, based on its studies, for improvements of the basic structure of the BRAC.

2. Operations. The Committee shall hold meetings, hearings, special investigations and any other related activities as may be deemed appropriate by the Chairman or by a majority of the members of the Committee.

3. Finances. The Grand Lodge will absorb the travel, per diem, and other appropriate expenses as may be incurred by the Committee in the pursuit of its assigned duties and responsibilities.

THEREFORE, BE IT FURTHER RESOLVED, That such Committee on Structure be authorized by Convention Action to recommend to the Executive Council, on a temporary experimental basis, structural changes in subordinate units of the BRAC which can only be effected if the involved units accept these changes. Subordinate units shall also have the right to propose structural changes which, if approved by the Committee and the Executive Council, may be implemented on an experimental basis; and

THEREFORE, BE IT FURTHER RESOLVED, That any successful experiment cannot be automatically accepted as a permanent change in the structure unless it is within the framework of the Constitution and approved by the next regular Convention; and

ONLY COPY AVAILABLE

THEREFORE, BE IT FURTHER RESOLVED, That the delegates here assembled instruct the International President to appoint a Structure Committee, consisting of a Chairman and not more than a total of twenty (20) members, chosen from various units and divisions of the Brotherhood, specifically Railroad, Canada, T.C., Express, Airlines and Allied Services, such Committee to be appointed with proportionate representation from the various divisions to undertake a complete study of the structure of our Brotherhood and to complete such a study prior to our next Quadrennial Convention and submit its recommendations to the International President and Executive Council, not less than ninety (90) days prior to the convening of the next Quadrennial Convention, and that said report and recommendations be submitted to the Committee on Constitution and Laws.

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

ONLY COPY AVAILABLE

WILLIAM J. HEAD

Plaintiff

vs.

BROTHERHOOD OF RAILWAY, AIRLINE AND
STEAMSHIP CLERKS, FREIGHT HANDLERS,
EXPRESS AND STATION EMPLOYEES (BRAC)

R. J. DEVLIN, Vice-President
Express Division, BRAC

C. L. DENNIS, International President
BRAC

G. E. STEPHENSON, Secretary-Treasurer
Express Division, BRAC

Defendants

STATE OF NEW YORK) SS:
COUNTY OF ERIE)

AFFIDAVIT IN
SUPPORT OF MOTION
TO DISMISS OR
IN THE ALTERNATIVE
FOR SUMMARY
JUDGMENT

Civil No.
1974-307

G. E. STEPHENSON, being duly sworn, deposes and
says:

I am the Secretary-Treasurer of the Express Division, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, AFL-CIO (hereinafter referred to as BRAC), and the exclusive agent for the collection of dues, initiation and reinstatement fees under the recently approved restructure of the Express Division of BRAC. That all funds received by me in such capacity from Local Lodges, District Boards, of Adjustment and the Association of Express General Chairman, in accordance with the reorganization plan, will be received and recorded in such a manner so that in the event of a lack of ratification of the plan at the 1975 Brotherhood Convention, each of the 120

lodges and 15 District Boards presently functioning will be able to receive back its just and proportionate share of the funds held by me at any time such return of funds might be required or necessary.

As Secretary-Treasurer of the newly formed Express Division, BRAC I have been authorized to, and have in fact opened an account with the First National City Bank at its office at 40th Street and Broadway, New York City. This account is and will be maintained by me and any successor of mine in the said office of Secretary-Treasurer Express Division, BRAC. Such Express Division funds will be kept separate from the other funds of BRAC, in order to protect the interests of the Local Lodges and District Boards of Adjustment whose funds will be transferred in accordance with the approved plan of restructure of the Express Division, BRAC in the event the said plan is not ratified by the convention of the Brotherhood scheduled for the month of May 1975 in Washington, D. C.

Disbursements from this Express Division account will be for usual, ordinary and necessary expenses in connection with the operation of the Express Division, BRAC. Any unusual or extraordinary expenditures of such funds must be approved by the Trustees of the Express Division and then approved by a two-thirds vote of the District Chairmen of the Express Division.

That I have had several discussions with members of the staff of the International, President and have assured myself and International Vice-President Robert J. Devlin of an acceptable procedure for record keeping and financial management so that the interests of all units and members of

the Brotherhood involved will be fully protected and competently supervised in order that the fiduciary obligation of myself personally, as a union official, and the Brotherhood as a whole, as a labor organization, will be maintained to the highest degree possible.

I make this affidavit in support of a motion to dismiss the complaint of William J. Head in an action brought in the United States District Court for the Western District of New York.

S/ G. E. STEPHENSON

G. E. STEPHENSON

Sworn to before me this
9th day of July, 1974.

S/ JAMES E. CROTTY

JAMES E. CROTTY

Notary Public State of New York
Qualified in Erie County
My Commission Expires March 30, 1975

Affidavit of Service by Mail

In re:

Head v. Brotherhood of Railway, Airline and Steamship Clerks, etc.

State of New York

County of New York, ss.:

..... Harry Minott,
 being duly sworn, deposes and says, that he is over 18 years of age.
 That on DEC 19 1974, 197..., he served ^{3 COPIES} ~~copy~~ of the
 within Appendix in the above named matter
 on the following counsel by enclosing said three copies in a securely
 sealed postpaid wrapper addressed as follows:

Reilly, Fleming & Reilly, Esqs.Attorneys for Appellees1414 Avenue of the AmericasNew York, New York 10019

and depositing same in the official de-
 pository under the exclusive care and
 custody of the United States Post
 Office Department within the City of
 New York.

and depositing same at the Post Office
 located at Howard and Lafayette
 Streets, New York, N. Y. 10013.

Harry Minott

Sworn to before me this 19th
 day of Dec. 1974

Jack A. Messina

JACK A. MESSINA
 Notary Public, State of New York
 No. 30-2673500
 Qualified in Nassau County
 Cert. Filed in New York County
 Commission Expires March 30, 1975